



**COMMENT RESPONSE DOCUMENT (CRD)  
TO NOTICE OF PROPOSED AMENDMENT (NPA) 2008-17B**

**for an Agency Opinion on a Commission Regulation establishing the Implementing  
Rules for the licensing of pilots**

**and**

**a draft Decision of the Executive Director of the European Aviation Safety Agency on  
Acceptable Means of Compliance and Guidance Material on the licensing of pilots**

*“Implementing Rules for Pilot Licensing”*

**c.4 - Subparts D, E, F**

**c.5 - Subpart G**

**c.6 - Subpart H**

**c.7 - Subpart I**

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL**

p. 23

comment 974 comment by: *CAA Belgium*

THE EXPERIENCE REQUIREMENTS FOR CPL SHOULD BE WRITTEN IN THIS PART D AND NOT IN AN APPENDIX.

NOW THEY FIGURE IN APP.3 UNDER CPL MODULAR COURSE ONLY.

response *Noted*

The reason why the experience requirements for the CPL are in the Appendix and not in Subpart D is because they change taking into account the course that the pilot takes. That is not the case for PPL (plus, in the case of PPL there are no Appendices with the course) or ATPL.

The Agency intends to take as much out from the Appendices and into AMC as possible. After reviewing all the comments on the Appendices discussions, it could be that the Agency will put the experience requirements in Subpart D.

comment 2832 comment by: *Dave Sawdon*

The UK CPL includes permanent IMC privileges, and it is possible that other national licenses bring other privileges. It is essential that these privileges are maintained for the relevant existing license holders unless there is a proven safety case for removing them.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of the NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Instrument Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 2910 comment by: *AECA(SPAIN)*

The experience requirements for CPL should be written in this part D not in an appendix. Now they figure in APP 3 under CPL Modular Course only

response *Noted*

The reason why the experience requirements for the CPL are in the Appendix and not in Subpart D is because they change taking into account the course that the pilot takes. That is not the case for PPL (plus, in the case of PPL there are no Appendices with the course) or ATPL.

The Agency intends to take as much out from the Appendices and into AMC as possible. After reviewing all the comments on the Appendices discussions, it could be that the Agency will put the experience requirements in Subpart D.

comment	3172	comment by: <i>Susana Nogueira</i>
	The experience requirements for CPL should be translated from Appendices to this subpart.	
response	<i>Noted</i>	
	The reason why the experience requirements for the CPL are in the Appendix and not in Subpart D is because they change taking into account the course that the pilot takes. That is not the case for PPL (plus, in the case of PPL there are no Appendices with the course) or ATPL.	
	The Agency intends to take as much out from the Appendices and into AMC as possible. After reviewing all the comments on the Appendices discussions, it could be that the Agency will put the experience requirements in Subpart D.	

comment	6786	comment by: <i>PHuSt HH</i>
	Attachment <a href="#">#29</a>	
	For the comment have a look at the annex "Kommentierung zum Flugtechniker".	
response	<i>Noted</i>	
	The Agency will not regulate 'die Implementierung des Flugtechnikers' as proposed in your comment, because it concerns 'Flugtechnikers Bundesvereinigung fliegendes Personal der Polizei.	
	According to the scope of the Basic Regulation 216/2008, the Regulation shall not apply when personnel are engaged in police.	

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 1: Common Requirements**

p. 23

comment	3390	comment by: <i>Peter MEECHAM</i>
	The requirements should be the same as for training LPLs.	
response	<i>Not accepted</i>	
	The Agency follows closely Subpart D of JAR-FCL 1 and JAR-FCL 2. This subpart is also in compliance with paragraph 2.4 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.	

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 1: Common Requirements - FCL.305 CPL - Privileges and conditions**

p. 23

comment	533	comment by: <i>HeliAir Ltd</i>
	FCL 305 (a) (3) is typical in using a reference to another regulation without an indication of what the regulation is.	
	It is grossly awkward and not 'customer friendly' to do this.	

It would be VERY simple and helpful to include AT LEAST the title words of a referenced regulation. Ideally each regulation should be meaningful itself.

References can lead to a cascading avalanche effect where pursuing a reference leads to the need to read another one or more regulations. ( similar to the principal of nuclear fission ).

EXAMPLE: "...specified in FCL. 060 and in ...."

It could say:

"...specified in FCL. 060 (**recent experience**) and in ...."

response

*Not accepted*

The reference in FCL.305 (a)(3) is to the requirements in Subpart D – to obtain a CPL. It is difficult to be more clear than this.

The references used in this NPA Part-FCL are without title words and only indicate the applied paragraphs. This drafting style was also used in the JAR-FCL. The same way of drafting you can find in Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, A. Explanatory Note, number 43 (page 16) indicates the following: 'the drafting of Community legislative acts needs to obey to a specific set of principles: they need to be drafted clearly, simply and precisely.' In the note you find the set of principles: These principles are defined in the Joint practical guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community Institutions (<http://eur-lex.europa.eu/en/techleg/index.htm>), as well as in the Commission's Manual on legislative drafting.

comment

1055

comment by: *FTO 09-157 FRENCH AIR FORCE*

The privileges of the holder of a CPL are not to exercise the privileges of the holder of LPL. Why?

The FCL.305 can be rewritten as follows:

The privileges of the holder of a CPL are to, within the appropriate aircraft category:

(1) **Exercise the privileges of the holder of a LPL and a PPL.**

response

*Accepted*

Thank you for your comment.

The text will be amended accordingly.

comment

1312

comment by: *Bristow Helicopters*

(a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot. Amend as follows:

(4) act as co-pilot in commercial air transport **subject to the restrictions specified in FCL.060 and in this subpart;**

Justification:

	Inconsistency in rules.
response	<p><i>Partially accepted</i></p> <p>Thank you for your comment.</p> <p>A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.</p> <p>The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.</p>

comment	<p><b>1649</b> <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>I would suggest adding a 'for example Aerial work' after "other than commercial air transportation" of (a) (2)</p>
response	<p><i>Not accepted</i></p> <p>In a legislative act you cannot use 'for example'. For example is used for giving an illustration.</p> <p>NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, A. Explanatry Note, number 43 (page 16) indicates the following: 'the drafting of Community legislative acts needs to obey to a specific set of principles: they need to be drafted clearly, simply and precisely.' In the note you find the set of principles: These principles are defined in the Joint practical guide of the European Parliament, the Council and the Commission for persons involved in the drafting of legislation within the Community Institutions (<a href="http://eur-lex.europa.eu/en/techleg/index.htm">http://eur-lex.europa.eu/en/techleg/index.htm</a>), as well as in the Commission's Manual on legislative drafting.</p>

comment	<p><b>2610</b> <span style="float: right;">comment by: <i>Lindsay MUIR</i></span></p> <p>The NPA on Ops appears to imply that balloon ride operations will be Commercial Air Transport. However, the impliation of this NPA appears to be that to act as PIC in commercial air transport you must have a CPL. This NPA makes no provision for a CPL for balloons.</p> <p>The UK Civil Aviation Authority introduced a commercial pilot's licence and air operator's certificate for ballooning in 1989. This system has run without problems now for 20 years and has a proven track record. While there are a small number of commercial operations in other countries, there are more balloon AOC holders in the UK than in the all of the rest of the EASA member states. In 2008 there were 75,000 – 100,000 passengers carried in roughly 6000 passenger transport flights. All these flights have been carried out by balloon pilots with a Commercial Licence. There are in the region of 100,000 passengers flown in passenger transport balloons in Australia once again, these pilots have a commercial licence and the requirements for this licence are very similar to those currently required in UK. A pilot with a UK CPL(B) can easily undergo a conversion to fly in passenger transport balloon in a number other countries around the world.</p> <p>The requirement for a CPL(B) in Australia is a class B medical, the same as is currently required in the UK. If the arguement for the removal of the CPL(B) is</p>
---------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	<p>just because there is not one in the ICAO regulations and if there was one they would have to have a Class 1 licence is not a good argument. Balloons are not the same as ANY other aircraft. The ICAO regulations were written for Aeroplanes. You cannot and must not apply the same rules to all forms of aviation.</p> <p>The CAA, (arguably, the aviation authority with the most knowledge and experience of the balloon ride operations in the world) introduced a commercial pilots licence for balloons 20 years ago. It has a very good and proven track record. By removing this licence there is the risk of reducing the qualification for flying balloons in commercial air transport down to the lowest common denominator and hence reducing safety.</p>
response	<p><i>Noted</i></p> <p>In FCL 205.B (b) and (c) there are provisions for commercial privileges for balloon pilots.</p>
comment	<p>2748 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p>FCL 305 (a) (1) :</p> <p>FFA proposes to add the words "or a LPL".</p> <p>It seems obvious that a CPL holder should have also the privileges of a LPL holder.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment.</p> <p>The text will be amended accordingly.</p>
comment	<p>3182 comment by: <i>Derek Maltby</i></p> <p>Training with other pilots adds for a good mix of experience and this should not be limited to the instructors. There are good training pilots who do not wish to obtain an instructor rating.</p>
response	<p><i>Noted</i></p> <p>The comment considers the flights with other pilots as training, however Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing requires a person to hold an instructor rating to provide instruction, and so does the the Basic Regulation 216/2008, in Article 7.</p>
comment	<p>3275 comment by: <i>REGA</i></p> <p><b>PROPOSAL</b> (a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot.</p> <p><b>STATEMENT</b> Inconsistency within rules.</p>
response	<p><i>Partially accepted</i></p>

Thank you for your comment.

A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.

The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.

comment

4400

comment by: *Bond Offshore Helicopters*

(a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot. Amend as follows:

(4) act as co-pilot in commercial air transport **subject to the restrictions specified in FCL.060 and in this subpart;**

Justification:  
Inconsistency in rules.

response

*Partially accepted*

Thank you for your comment.

A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.

The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.

comment

4641

comment by: *Héli-Union*

(a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot. Amend as follows:

(4) act as co-pilot in commercial air transport **subject to the restrictions specified in FCL.060 and in this subpart;**

Justification:  
Inconsistency in rules.

response

*Partially accepted*

Thank you for your comment.

A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.

The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.

comment

4694

comment by: *Noel WHITE*

There is no mention of the BCPL. A BCPL(R) holder can operate as an instructor for remuneration, but the licence will be downgraded to an EASA PPL and therefore not be able to be paid for instructing. To convert his licence into

	<p>aa EASA CPL, ground school will be required to pass a minimum of 9 examinations at CPL level followed by a full CPL flying course of 25 hours and pass a CPL Skill test, all of which would cost around £10,000 and take the best part of a year. Most of this group are experienced instructors and about 50 years and older. This is not really an option for this group of instructors. I believe this is a breach of their human rights as it will immediately remove their source of financial income, unless they lose earnings for up to year to undertake the CPL and spend a significant amount of money on the CPL. There is no recourse or alternative that does not carry a significant financial and time penalty.</p>
response	<p><i>Noted</i></p> <p>In FCL 205.B (b) and (c) there are provisions for commercial privileges for balloon pilots.</p>
comment	<p><b>4817</b> <span style="float: right;">comment by: <i>Chris Gowers</i></span></p> <p>FCL.305 (a) (1) Change to "exercise all the privileges of the holder of a PPL including a night rating."</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your proposal, but cannot take them.</p> <p>The Agency follows closely Subpart D of JAR-FCL 1 and 2 has taken over the privileges from JAR-FCL 1.150 and JAR-FCL 2.150. This paragraph is also in compliance with paragraph 2.4.2.1 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.</p>
comment	<p><b>4854</b> <span style="float: right;">comment by: <i>HUTC</i></span></p> <p>(a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot. Amend as follows:  <b>(4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060 and in this subpart;</b></p> <p>Justification:  Inconsistency in rules.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for your comment.</p> <p>A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.</p> <p>The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.</p>
comment	<p><b>7104</b> <span style="float: right;">comment by: <i>CHC Europe EASA Ops Team - representing 550 pilots across Europe</i></span></p> <p>(a)(4) should contain the same FCL.060 restriction as (a)(3). FCL.060 states that the restriction applies to pilot and co-pilot. Amend as follows:</p>

(4) act as co-pilot in commercial air transport **subject to the restrictions specified in FCL.060 and in this subpart;**

Justification:  
Inconsistency in rules.

response *Partially accepted*

Thank you for your comment.

A reference to FCL.060 needs to be made, but the reference to restrictions in Subpart D should not be made. Those restrictions only apply to PIC – see FCL.305.A, FCL.305.H and FCL.305.As.

The text will be amended into: (4) act as co-pilot in commercial air transport subject to the restrictions specified in FCL.060.

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 1: Common Requirements - FCL.310 CPL - Theoretical knowledge  
examinations**

p. 23

comment

211

comment by: *CAA - The Netherlands*

FCL.310

Two of the subjects are not fully described:

- Air Law and ATC-procedures
- Aircraft Performance, Flight Planning and Mass and Balance

In the appendix 1 to JAR-FCL 1.470 (theoretical knowledge - ATPL, CPL and IR) you can find this information

response

*Partially accepted*

Paragraph FCL.310 is in compliance with Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008. It follows closely the wording from that paragraph in the Annex.

In Appendix 2 the subjects are more detailed and here you can find for example the flight planning, aircraft performance, etc.

Please note that the content of Appendix 2 has been transferred to AMC, based on the comments received. Please see the comments on Appendix 2 and the amended text.

All editorials will be amended accordingly.

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment

319

comment by: *CAA Belgium*

1) the first subject "Air Law" mentioned under FCL.310 is missing in the Appendix 2 referred to.

2) Appendix 2 is not correct on pages 74 and 77.

**REMARK ALSO FOR ALL OTHER APPENDIXES:ONE HAS TO BE VERY CAREFUL BEFORE PUBLICATION**

response

*Partially accepted*

Thank you for your comment.

In Appendix 2 there is indeed the item 'Air Law' missing. Appendix 2 has to be in compliance with Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008. This is an omission and the text will be amended accordingly.

Please note that the content of Appendix 2 has been transferred to AMC, based on the comments received. Please see the comments on Appendix 2 and the amended text.

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment

1104

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:** The text should be changed so it is uniform with LPL and PPL

**Proposal:** ...shall demonstrate to the competent authority a level of knowledge...

response

*Not accepted*

The Agency agrees that there is a need for consistency.

However, in our view it is the text of paragraph FCL.120 (for LPL) and paragraph FCL.215 (for PPL) concerning the Theoretical knowledge examinations that should be uniform with the text of paragraph FCL.310 (for CPL), paragraph FCL.515 (for ATPL) and paragraph FCL.615(IR). The indication that the competent authority is ultimately responsible should be given by paragraph FCL.025 in conjunction with Part-AR.

The Agency will redraft paragraph FCL.120 and paragraph FCL.215 and delete the reference to the competent authority.

comment

1650

comment by: *Nigel Roche*

I would suggest that the list of subjects given here in FCL.310 aligns with those used in the NPA 25 Learning objectives for clarity.

for example

"-Aircraft General Knowledge - Airframe/Systems/Powerplant"

is given its correct title of :

AIRCRAFT GENERAL KNOWLEDGE - AIRFRAME AND SYSTEMS,  
ELECTRICS, POWERPLANT, EMERGENCY EQUIPMENT

as is also shown in the table at Appendix 2

response

*Partially accepted*

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.  
Please note that the content of Appendix 2 has been transferred to AMC, based on the comments received. Please see the comments on Appendix 2 and the amended text.

All editorials will be amended accordingly.

comment

1651

comment by: *Nigel Roche*

I would also suggest that the first part of the subject identifier number is used in front of each subject for example:

- Air Law would read - 010 Air Law.

This would help guide the uninitiated to the correct syllabus and Learning Objectives.

response

*Partially accepted*

Please see the reply to comment 1650 above.

comment

2874

comment by: *Jeremy Hinton*

If the CPL applies to balloons (and the preceding section does not rule this out, as it refers to 'the appropriate aircraft category'), then the relevance of some of the theoretical knowledge examinations could be tightened. The different aircraft may require independent sections.

response

*Noted*

The CPL provisions do not apply to balloons.

In Subpart C, section 7, there are specific requirements for the balloon pilot licence (BPL).

comment

2911

comment by: *AECA(SPAIN)*

1) the first subject "Air Law" mentioned under FCL.310 is missing in the Appendix 2 referred to.

2) Appendix 2 is not correct on pages 74 and 77

response

*Partially accepted*

Please see the reply to comment 319 above.

comment

3174

comment by: *Susana Nogueira*

The first subject 'Air Law' is missing in the appendix 2 referred to.

response

*Partially accepted*

Please see the reply to comment 319 above.

<b>Section 1: Common Requirements - FCL.315 CPL - Training course</b>
-----------------------------------------------------------------------

comment

451

comment by: *João Duarte*

Dear all,

About this point,

I want to know if it is possible to give theoretical crediting to Aeronautical engineers. An Aeronautical engineer study deeply almost of the matter described in the syllabus. Each matter is taught intensively in the university at least 4 hour per week during 5 months or 1 year plus the home study.

Not being directly possible, this requirement should permit that any aeronautical engineer could send their documentation to their country aviation authority or better to EASA for evaluation, being this authority obligated to do the evaluation and crediting those matters if OK during the evaluation. The authority should also be obligated to publish the results allowing the applicant to comment the evaluation and try a new application for crediting.

The applicant should go throughout an examination also on those matter but without going again to a school spending more money and where they will teach and correct the teachers.

Please comment what is written above.

Best Regards,  
João Duarte  
Aeronautical Engineer

response

*Noted*

When drafting the implementing rules for FCL, the Agency had to take into account the provisions of the Basic Regulation 216/2008, which mandated the development of requirements for pilot licensing, and only foresaw a crediting system for flight engineer licence to be converted into pilot licences. Moreover, the ToR of the FCL.001 group indicated that the content of JAR-FCL should be followed in as much as possible, and JAR-FCL did not contain any provision for the crediting of theoretical knowledge from other licences than pilots licences. Therefore, no such credits system was envisaged for this NPA.

However, this could be a matter for a future Rulemaking task that would evaluate the possibility for crediting based on a detailed syllabus comparison. We suggest that you use the EASA procedures to suggest this as a future Rulemaking task.

comment

8054

comment by: *HeliAir Ltd*

Why the obsession with 'approved' courses - it might give people the impression that the course is good - whereas it actually signifies little other than a fee has been paid. (who to?)

and

Of course it surely doesn't matter **how** the candidate reached his **incredibly**

**high standard** - perhaps he should be allowed to be assessed to be exempted from this blunt and **occasionally** totally pointless waste of time and money... ?

response *Noted*

The requirement is to go through a course at an approved training organisation. The Basic Regulation 216/2008 clearly states in Article 7 that every training organisation has to be approved in compliance with Annex III of that regulation.

The requirements for training organisation are further addressed in NPA 2008-22c. Subpart ATO – Approved Training Organisations, Section 1 – General contains the requirements for ATO's.

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 1: Common Requirements - FCL.320 CPL - Skill Test**

p. 24

comment

7581

comment by: *Atlantic Training Support*

FCL.305.A Remove (a)(1) and (2)

response

*Not accepted*

Your proposal is referring to paragraph FCL.305.A but is written here under the segment of paragraph FCL.320 CPL – Skill Test.

The Agency cannot remove (a)(1) and (2) from paragraph FCL.305. The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 2: Specific requirements for the aeroplane category - FCL.305.A  
CPL(A) - Privileges in commercial air transport**

p. 24

comment

4

comment by: *BSM Condell*

Would it not be more appropriate to retain the language of OPS 1.960 for this section?

response

*Noted*

The Agency follows in this paragraph FCL.305.A closely the wording of paragraph OPS 1.960 of the EU-OPS. The wording of the EU-OPS 1.960 was rewritten in a more readable manner. The requirements are the same.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V -

Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 128 comment by: *Aero-Club of Switzerland*

To (a)(1): Why do you indicate NM and km here? You did not in earlier paragraphs.

Proposal: Only use NM throughout the whole document!

Justification: This is according to us "the standard".

Further to (a)(1): 50 NM (90 km) is not enough! Please do not limit this distance.

Justification: 50 NM above flat lands can nearly always be flown, in hilly areas even 5 NM may very often be nearly impossible to fly.

response *Noted*

For clarification reasons there is always the indication in km and NM when it comes to distances. This can be found in the JAR-FCL documents and in Annex 1 to the Convention on International Civil Aviation (ICAO).

If this is not always the case in Part-FCL, then the text will be amended accordingly.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The radius of 50 NM (90 Km) is in line with paragraph EU-OPS 1.960, under (a)(1)(i).

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 490 comment by: *FOCA Switzerland*

D/Section 1  
FCL.305 (a)(1)

Conditions too stringent.

Proposal:

**The whole content of this para shall be replaced by the text of JAR-FCL 1.150 accordingly.**

response *Not accepted*

The content of JAR-FCL 1.150 is already included in FCL.305, as general privileges and condition for the CPL.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 827 comment by: *OAA Oxford*

(a) (1) & (2) Significant additional constraints on CPL holders.  
Recommendation: remove (a) (1) & (2).

response *Noted*

The requirements in (a) (1) & (2) are not significant additional constraints on CPL holders.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 893 comment by: *ERA*

FCL.305.A CPL(A) Privileges in commercial air transport

Paragraph (a)(1) and (2) conditions in FCL.305A do not have any equivalent in JAR-FCL. ERA members view these as new and extra conditions to work in commercial air transport. ERA members are therefore seeking some justification for their addition. ERA members are requesting their deletion and a reversion to the JAR-FCL list of conditions.

response *Noted*

Paragraph (a) (1) & (2) do indeed not have any equivalent in JAR-FCL, but these requirements are not new and extra conditions to work in commercial air transport, because these requirements were ruled in EU-OPS.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 975 comment by: *CAA Belgium*

(a)(2) is an operational requirement and should be deleted and transferred to OPS.

It also is not in conformity with Annex 1.

**Consequence: if the holder of an EASA-FCL CPL licence is working**

**outside Europe, he will be seriously disadvantaged towards the holders of a non-EASA licence.**

response *Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment *1494*

comment by: *Volker ENGELMANN*

General Comment:

The Number of flight hours does not necessarily influences the risk assesment! The ability on handling an aircraft is influenced by the experiences on take off and landings. To fly an aircraft fequently from A to B, where A and B is always the same aerodroms does not really enables pilots to be more experienced although he may has 1000 hrs of flight time.

Recommendation: Leave out any numbers of Flight hours but bring in " high level of experience" instead. The certified flight school can evaluate the experience prior training and, may increase the training program instead.

**This above mentioned comment is for all other "hour based" qualifications as well.**

Airline Pilots may have 10 hrs of flight (including sleeping during auto pilot operations) but not one take off or landing on one flight leg. However they can count this hours as "proficiency" documentation.

The risk of a wrong " evaluation by flight book/time " increases the risk for other airspace users as well as for passengers.

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment *1892*

comment by: *Nigel Roche*

(a) (1) "When carrying passengers under VFR outside a radius of 50 NM (90 Km) from an aerodrome of departure, he/she has a minimum of 500 hours of flight time on aeroplanes or holds a valid instrument rating; or"

I would this interpret this to mean that: A pilot with a CPL (A) who has less than 500 hours of flight time on aeroplanes can carry passengers up to a radius of 50NM (90Km) from an aerodrome of departure.

If this interpretation is correct it certainly opens up business opportunities in the air taxi industry.

It would also open up a further business opportunity for sightseeing trips as the pilot would be able to fly down a corridor of airports that are just under 50NM apart land at each then take off again as this would become the aerodrome of departure.

I commend EASA for an innovative idea that would enable low hours pilots to build hours and experience, provided this is what was meant by the draft order.

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

**1893**

comment by: *Nigel Roche*

(c) The holder of a CPL(A) shall only act as pilot-in-command in commercial air transport in multi-pilot operations provided that he/she has completed the command course prescribed in Subpart OPS of Part MS.(to be issued)

This appears to be a departure from the FCL.305

**"CPL Privileges and conditions**

(a) *Privileges.* The privileges of the holder of a CPL are, within the appropriate aircraft category, to:

- (1) exercise all the privileges of the holder of a PPL;
- (2) act as pilot-in-command or copilot of any aircraft engaged in operations other than commercial air transportation;
- (3) act as pilot-in-command in commercial air transport of any single pilot aircraft, subject to the restrictions specified in FCL.060 and in this Subpart;
- (4) act as copilot in commercial air transportation"

Which does not mention "acting as pilot-in-command" given that we have not seen Subpart Ops of Part MS (to be issued), I feel that any part that give a privilege should be detailed in this, the FCL for clarity.

As it may well have implications for prospective pilots as to the choice of route to the left hand seat of a multi crew aeroplane ATPL(A) or CPL(A) with a command course.

response *Partially accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

For subparagraph (c): The holder of a CPL(A) shall only act as pilot-in-command in commercial air transport in multi-pilot operations on a single-pilot aeroplane. To make this more clear the text will be redrafted.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

1900

comment by: *Nigel Roche*

From FCL.305.A (a) (1) "When carrying passengers under VFR outside a radius of 50 NM (90 Km) from an aerodrome of departure, he/she has a minimum of 500 hours of flight time on aeroplanes or holds a valid instrument rating."

From FCL.305.H (a) (2) When operating under visual meteorological conditions (VMC) at night, he/she has:

- (i) a valid instrument rating; or
- (ii) 300 hours flight time on helicopters, including 100 hours as pilot-in-command and 10 hours as pilot flying at night.

Why the disparity:

there is no radius limit from an aerodrome of departure in FCL.305.H

FCL.305.A has a 500 hour limit compared to a 300 hour limit FCL.305.H

FCL.305.H requires a the pilot to have flown 10 hours at night but FCL.305.A does not.

response

*Noted*

The difference in requirements between A and H was already established in the EU-OPS and JAR-OPS.

The Agency follows in paragraph FCL.305.A closely the wording of paragraph OPS 1.960 of the EU-OPS. The wording of the EU-OPS 1.960 was rewritten in a more readable manner. The requirements are the same.

The Agency follows in paragraph FCL.305.H closely the wording of paragraph JAR-OPS 3.960. Also in this case: the wording of the JAR-OPS 3.960 was rewritten in a more readable manner. The requirements are the same.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Part-OPS.

comment

2912

comment by: *AECA(SPAIN)*

(a)(2) Delete

Justification:

Is an operational requirement and should be transferred to OPS.

It also is not in conformity with Annex 1.

If the holder of an EASA-FCL CPL licence is working outside Europe, he will be seriously disadvantaged towards the holders of a non-EASA licence.

response

*Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review

group, The Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3039

comment by: *Peter SCHMAUTZER*

The requirement of 700 hours of flight time on aeroplanes in order to act as pilot in command in commercial air transport is too high. For a commercial air transportation with multi engine piston aircraft or turboprop like Piper Cheyenne or King Air the costs to reach this 700 hours are too high. These costs will bare mainly the business aviation. If you compare the privileges of a MPL, where at least 250 hours of flight training are necessary there can be seen, that there is no adequate relation. For operations with aircrafts below a max takeoff weight up to 5700 kg, 500 hours of PIC would be sufficient.

response

*Noted*

The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph EU-OPS 1.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3194

comment by: *Susana Nogueira*

(a)(2) Delete this paragraph.

Justification: Is an operational rule. Transfer to OPS.

The other hand is a disadvantage when the pilot work outside of Europe.

response

*Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3551

comment by: *Swiss Power Flight Union*

Delete 50 NM (90 Km), the Distance must be unlimited.

Reason: The pilot has been trained under VFR much more then 50 nautical miles to fly.

response

*Not accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The radius of 50 NM (90 Km) is in line with paragraph EU-OPS 1.960, under (a)(1)(i).

After having discussed all the comments on this paragraph in the Review group, The Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 3773 comment by: *DGAC FRANCE*

FCL 305.A, 305.H, 305.As

These paragraphs should be transferred in part OPS.

**Delete paragraphs FCL305.A, FCL 305.H, FCL 305.As.**

response *Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 4196 comment by: *SFG-Mendig*

Flugerfahrung auf Helikoptern sollte anrechenbar sein, dies sollte auch umgekehrt gelten.

response *Noted*

The crediting of flight hours on other categories of aircraft can be found in paragraph A.4 of Appendix 3 to Part-FCL.

comment 4466 comment by: *AOPA Switzerland*

We do not consider any maximum radius as a safety relevant item for a CPL holder. The CPL training and the skill test are good enough to ensure safety.

200 hours flight experience are sufficient for all categories to ensure safety with PAX on board. It is up to operators to decide whether a the minimum flight experience of 200 hours for a certain pilot is enough to ensure safety.

It is not said tha an instument qualification may rise safety in general. An IR rating is of no help to fly in mountainous areas under VFR. Therefore paragraph FCL.302.A lit.(1) shall not take into consideration a valid IR Rating to reduce required flight experience.

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air

transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 4927 comment by: *ECA- European Cockpit Association*

Comment: change paragraph (c):

(c) The holder of a CPL(A) shall only act as pilot-in-command in commercial air transport in multipilot operations on single pilot aeroplanes provided that he/she has completed the command course prescribed in Subpart OPS of part MS.

Justification:

If the underlined text is not included, then it may be understood that a CPL could act as PIC in any type of aircraft in multi-pilot operations, provided that the requirements of part OPS and MS are met.

response *Accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

For subparagraph (c): The holder of a CPL(A) shall only act as pilot-in-command in commercial air transport in multi-pilot operations on a single-pilot aeroplane. To make this more clear the text will be redrafted.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 5110 comment by: *Icelandic CAA*

This is not in accordance with ICAO Annex 1 and should perhaps be in PART-OPS.

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 5687 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

a)(1) and (a)(2) conditions are new regulation as compared to JAR FCL 1 and current practices. As far as we know, there is no safety issue nor any safety assessment to introduce new restrictions. We request paragraph (a)(1) and (a)(2) to be suppressed or a safety assessment to be conducted to prove the pertinence of such a change.

response *Noted*

Paragraph (a) (1) & (2) do not have any equivalent in JAR-FCL, but these requirements are not new restrictions, because these requirements were ruled in EU-OPS.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

6012

comment by: ENAC TLP

FCL.305.A CPL(A) **Privileges in commercial air transportation**

**Page 34**

**(c)**

The privilege of a CPL (A) to act as a pilot in command in commercial air transport in multi pilot operations, as stated in this paragraph is not in compliance with ICAO Annex 1. We propose to delete the privilege to act as pilot in command in commercial air transport in multi pilot operations, even with the additional provision of completing a command course, and to limit the privileges to those stated in ICAO Annex 1 unless the requirement of the paragraph (c) is modified as follows:

(c) The holder of a CPL (A) shall only act as a pilot-in-command in multi pilot operations *of a single pilot multi engine certified aeroplane* provided that he/she has completed the command course prescribed in Part OPS *for multi crew operations and satisfies the requirements of FCL.720.A.(c) for multi pilot aeroplanes*.

**Purpose:**

To provide the due level of safety to commercial transport operations by mitigating the possible difficulty of CPL holders to get an ATPL by the adequate level of knowledge and experience. To increase clarity of the requirement avoiding undue difficulties and the need of repetitive interpretations and explanations to the customers by the Competent Authorities.

response

*Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

For subparagraph (c): The holder of a CPL(A) shall only act as pilot-in-command in commercial air transport in multi-pilot operations on a single-pilot aeroplane. To make this more clear the text will be redrafted.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment	<p>6218 <span style="float: right;">comment by: CAA Finland</span></p> <p>FCL.305.A:  Comment: If principle is copied from and already accepted in OPS: OK. If not:  The amounts of experiences required shall not be increased without safety analyses.</p>
response	<p><i>Noted</i></p> <p>The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.</p> <p>After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).</p>
comment	<p>6731 <span style="float: right;">comment by: CAA CZ</span></p> <p>Requirements for VMC at night, as specified for helicopters in FCL.305.H(a)(2) and for airships in FCL.305.As(b) should be added.</p>
response	<p><i>Noted</i></p> <p>The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.</p> <p>In paragraph EU-OPS 1.960 there are no requirements for VMC at night for aeroplanes</p> <p>After having discussed all the comments on this paragraph in the Review group, The Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).</p>
comment	<p>7018 <span style="float: right;">comment by: CAA Norway</span></p> <p>FCL.305.A  This is a purely operational paragraph, and should not be in Part FCL. Should be moved to Part OPS or Part OR.OPS.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment.</p> <p>After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).</p>
comment	<p>7225 <span style="float: right;">comment by: ECOGAS</span></p> <p>Significant additional constraints on CPL holders with no supporting safety case for amendment.</p> <p>Suggestion: Remove paragraphs (a)(1) and (2).</p>

response

*Noted*

The requirements in (a) (1) & (2) are not significant additional constraints on CPL holders.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 2: Specific requirements for the aeroplane category - FCL.325.A  
CPL(A) - Specific conditions for MPL holders**

p. 24

comment

142

comment by: *GFD-OES*

If you read from the beginning of the doc you see the first time MPL. I thought, what is that. To make it easier if one reads it from start, either change the sections CPL and MPL or make a note to read: FCL.325.A ...holders (see FCL.400.A)

response

*Noted*

The Multi-Crew Pilot Licence – MPL, is not new and was already introduced in Amendment 7 of JAR-FCL 1, Subpart K.  
The meaning of MPL is clear from Subpart E Multi-Crew Pilot Licence - MPL of this Part-FCL.

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e).

comment

976

comment by: *CAA Belgium*

Should be deleted here and transferred to subpart E - MPL.

response

*Not accepted*

The specific conditions for MPL holders, before exercising the privileges of a CPL(A) was already introduced in Amendment 7 of JAR-FCL 1.

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e). This requirement is drafted for people wanting to exercise the privileges of a CPL, and therefore it makes sense to have it in this Subpart.

comment

2012

comment by: *Swiss Pilot School Association*

Please add at the end of Part (a)

..... shall be flown as pilot-in-command **or as student under supervision of the flight instructor;**

In den meisten Fällen ist ein Flug über 540km als PIC in dieser Ausbildungsstufe nicht sinnvoll. Gerade hier ist der Lerneffekt für einen CPL Studierenden besonders gross. Aus diesem Grund sollte dieser Flug nach Möglichkeit mit Instuktor durchgeführt werden.

response *Not accepted*

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e).  
This paragraph is also in compliance with paragraph 2.5.2.3 of Annex 1 to the Convention on International Civil Aviation (ICAO).

comment

3552

comment by: *Swiss Power Flight Union*

Add at the end of part (a):

..... shall be flown as pilot-in-command **or as student pilot under supervision of the flight instructor.**

Reason: In most cases, a flight over 540 km as the PIC in this training phase does not make sense. The learning curve is for a student at this flight great. For this reason, this flight should be carried out with an instructor.

response *Not accepted*

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e).  
This paragraph is also in compliance with paragraph 2.5.2.3 of Annex 1 to the Convention on International Civil Aviation (ICAO).

comment

6287

comment by: *Axel Schwarz*

Since there is no requirement to acquire a rating for piston-engine, or even propeller driven, aeroplanes in order to exercise the privileges of a CPL, the requirement of (b) referring to paragraph 12 of Appendix 3 (5 hours on aeroplanes having a retractable gear and variable pitch propeller) is useless.

response *Noted*

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e).  
This paragraph is also in compliance with paragraph 2.5.2.3 of Annex 1 to the Convention on International Civil Aviation (ICAO).

comment

7232

comment by: *Aero-Club of Switzerland*

Add at the end of part (a):

..... shall be flown as pilot-in-command **or as student pilot under supervision of the flight instructor.**

Justification: In most cases, a flight over 540 km as the PIC in this training phase does not make sense. The learning curve is for a student at this flight great. For this reason, this flight should be carried out with an instructor.

response *Not accepted*

The Agency follows closely Subpart D (CPL) of JAR-FCL 1 and has taken over the text from JAR-FCL 1.155 (e).

This paragraph is also in compliance with paragraph 2.5.2.3 of Annex 1 to the Convention on International Civil Aviation (ICAO).

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 3: Specific Requirements for the helicopter category - FCL.305.H  
CPL(H) - Privilege to act in commercial air transport**

p. 25

comment 143 comment by: GFD-OES

For CPL(A), MPL(A) and ATPL(A), again, the revalidation requirements are missing. To make it clear, make the appropriate sections to read:

**FCL.xxx xPL(A) - Revalidation of class and type ratings**

**For revalidation of class and type ratings comply with the requirements in FCL.740.A**

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirements for the revalidation of class and type ratings are included in Subpart H - Class and Type Ratings - of this Part-FCL.

comment 324 comment by: Rod Wood

Comment:-

(1)The 100 hours under IFR is unrealistic and should be reduced to 75. The remainder of the figures are acceptable particularly with the re-introduction of the PPL(H) instructor.

(b) How can comment be made on something that isn't available and a reference the "might change" Is there an element of running before we can walk and is this reflective of the whole EASA process moving too fast for serious comment to be made?

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The reference mentioned in (b) is the reference to the command course that was already established in JAR-OPS 3. At the time the FCL NPA 2008-17b Part-FCL was published, the work on the OPS NPA was still on-going, and there was still no certainty on the numbering of the paragraphs. But the content of the requirements has not changed.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 368 comment by: REGA

**STATEMENT**

The required flight experience of a minimum of 700 hours flight time of helicopter, including 100 hours under IFR, to act in commercial air transport under IFR is too excessive and couldn't be achieved by most pilots.

**PROPOSAL**

At the moment when the commercial pilot is IFR rated, he/she shall be privileged to act as single pilot under IFR in commercial (and HEMS) air transportation without any extra IFR experience.

response *Not accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

491

comment by: *FOCA Switzerland*

D/Section 3  
FCL.305.H  
(a) (1) Conditions too constraints.

Proposal:

**The whole content of this para shall be replaced by the text of JAR-FCL 2.150 accordingly.**

response *Not accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

977

comment by: *CAA Belgium*

Idem as FCL.305.A and FCL.305.As: operational requirements should be deleted here and transferred to OPS

response *Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air

transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Part-OPS.

comment	<p><i>1240</i> <span style="float: right;">comment by: <i>Aeromega</i></span></p> <p>Under 305.H (1) A CPL IR is required to have 100 hours IFR to operate public transport. How is this time to be accrued by pilots rated on single pilot IR aircraft?</p>
response	<p><i>Noted</i></p> <p>The crediting of flight hours on other categories of aircraft can be found in paragraph A.4 of Appendix 3 to Part-FCL.</p>
comment	<p><i>1600</i> <span style="float: right;">comment by: <i>Helikopter Air Transport GmbH / Christophorus Flugrettungsverein</i></span></p> <p><b>STATEMENT</b> The required flight experience of a minimum of 700 hours flight time of helicopter, including <u>100 hours under IFR</u>, to act in commercial air transport under IFR is too excessive and could not be achieved by most pilots.</p> <p><b>PROPOSAL</b> At the moment when the commercial pilot is IFR rated, he/she shall be privileged to act as single pilot under IFR in commercial (and HEMS) air transportation without any extra IFR experience.</p> <p>OR:</p> <p>(a)(1) .....These hours shall include 100 hours under IFR which can be substituted by 200 hours under aeroplane IFR .....</p>
response	<p><i>Not accepted</i></p> <p>The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.</p> <p>After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c). The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph JAR-OPS 3.960.</p>
comment	<p><i>2118</i> <span style="float: right;">comment by: <i>Heliswiss AG, Belp</i></span></p> <p><b>STATEMENT</b> The required flight experience of a minimum of 700 hours flight time in helicopters, including <u>100 hours under IFR</u>, to act in commercial air transport under IFR is too excessive and could not be achieved by most pilots.</p> <p><b>PROPOSAL</b> When the commercial pilot is IFR rated, he/she shall be privileged to act as single pilot under IFR in commercial (and HEMS) air transportation without any extra IFR experience.</p>

response

*Not accepted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3040

comment by: *Peter SCHMAUTZER*

The required 700 hours of flight time are too high. This in comparison with the requirements of an MPL-Trainings course according to appendix 5.

response

*Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph JAR-OPS 3.960.

These requirements are not requirements to hold a licence, but to exercise specific privileges after you have the licence.

The comparison with the requirements of an MPL-Trainings course according to appendix 5, cannot be made because the MPL does not exist for helicopters.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3408

comment by: *NACA***FCL.305.H (a) (1)**

1. The requirement to hold a valid instrumentrating should be added.
2. It is not clear whether the required 100 hours under IFR are part of the 700 hours total time on helicopters or the 300 hours as PIC.

**FCL.305.H (a) (2)**

1. This line should read as follows: "When operating at night under VFR he/she has: "
2. Compliance to FCL.060 (recent experience) should be added for clarity.

response

*Not accepted*

The requirements in this paragraph are related to the privileges to fly in

commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirement to hold an IR when flying under IFR is already included in FCL.600 of Subpart G Instrument Rating - IR - of this Part-FCL. Therefore it does not need to be repeated in this paragraph.

The required hours under IFR are part of the 700 hours total time on helicopters. This subparagraph (a)(1) will be redrafted to be in line with the text in JAR-OPS 3.960 (a)(2).

The text from FCL.305.H (a)(2) is a copy of JAR-OPS (a)(2)(ii). The text from FCL.305.As (b) with the same requirement is drafted differently. The text of both subparagraphs will be redrafted.

In FCL.305.H (a)(2) there is no need to make a reference to FCL.060. In the common requirements, section 1, of this Subpart D, paragraph FCL.305(a) the reference to FCL.060 can be found.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3493

comment by: *SHA Guido Brun*

Statement: Privileges to act in commercial air transport are to be transferred to OPS. Different operations require different experiences.

Proposal: delete FCL.305.H

response

*Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment

3774

comment by: *DGAC FRANCE*

FCL 305.A, 305.H, 305.As

These paragraphs should be transferred in part OPS.

**Delete paragraphs FCL305.A, FCL 305.H, FCL 305.As.**

response

*Accepted*

Thank you for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment	<p>4198 <span style="float: right;">comment by: <i>SFG-Mendig</i></span></p>
	<p>Flugerfahrung auf aeroplanes sollte anrechenbar sein. Die Flugerfahrung muss nach unten angepasst werden. Aufgrund moderner helicopter in Verbindung mit modernen Ausbildungsmethoden werden diese hohen Flugstunden nicht mehr erforderlich sein, selbst beim Militär sind diese Tendenzen bereits heute deutlich erkennbar.</p>
response	<p><i>Noted</i></p> <p>The crediting of flight hours on other categories of aircraft can be found in paragraph A.4 of Appendix 3 to Part-FCL.</p>
comment	<p>4948 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p>
	<p>Comment: change paragraph (a)(1) as follows:  (a) The holder of a CPL(H) shall only act as pilotincommand in commercial air transport on a singlepilot helicopter provided that:  <del>(1) When operating under IFR, he/she has a minimum of 700 hours total flight time on helicopters, including 300 hours as pilotincommand. These hours shall include 100 hours under IFR. The 300 hours as pilotincommand may be substituted by hours operating as copilot within an established multipilot crew system prescribed in the Operations Manual on the basis of two hours of flight time as copilot for one hour flight time as pilotin command.</del>  (1) For operations under IFR, he/she has a minimum of:  (i) 1000 hours total flight time on helicopters, of which at least 300 hours as pilot-in-command. These hours shall include 100 hours under IFR; or  (ii) 800 hours as co-pilot within an established multi-pilot crew system prescribed in the Operations Manual of an operator;</p> <p>Justification:  This requirement doesn't match the actual JAR requirement. There is a downgrade on the number of hours with no safety justification. ECA therefore requests to change to old requirements. There is no safety assessment for the reductions.</p>
response	<p><i>Not accepted</i></p> <p>The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.</p> <p>The requirement of 700 hours of flight time on aeroplanes in order to act as pilot-in-command in commercial air transport is already applicable today and it is taken from paragraph JAR-OPS 3.960.</p> <p>After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).</p>
comment	<p>6232 <span style="float: right;">comment by: <i>CAA Finland</i></span></p> <p>FCL.305.H:</p>

response *Noted*

Comment: If principle is copied from and already accepted in OPS: OK. If not: The amounts of experiences required shall not be increased without safety analyses.

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment **7019** comment by: *CAA Norway*

FCL.305.H  
This is a purely operational paragraph, and should not be in Part FCL. Should be moved to Part OPS or Part OR.OPS.

response *Accepted*

Thanks for your comment.

After having discussed all the comments on this paragraph in the Review group, The Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment **7031** comment by: *Bristow Academy*

Change wording:

(a) (1) ....300 hours as Pilot in command, **and is the holder of an instrument rating.** ~~These hours shall include 100 hours under IFR.~~ The 300 hours.....

This paragraph refers to flight under IFR , not IMC. Having obtained an IR, the pilot has demonstrated the skill necessary to pilot the helicopter under IFR and IMC. How is he/she supposed to obtain the proposed 100 hours IFR unless he/she is allowed to fly IFR?

response *Noted*

The requirements in this paragraph are related to the privileges to fly in commercial air transport that are coming from EU-OPS 1.960 and JAR-OPS 3.960.

The requirement to hold an IR when flying under IFR is already included in FCL.600 of Subpart G Instrument Rating - IR - of this Part-FCL. Therefore it does not need to be repeated in this paragraph.

After having discussed all the comments on this paragraph in the Review group, The Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V -

Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

**B. Draft Opinion Part-FCL - Subpart D: Commercial Pilot Licence - CPL -  
Section 5: Specific Requirements for the airship category - FCL.305.As  
CPL(As) - Privileges to act in commercial air transport**

p. 25

comment 978 comment by: *CAA Belgium*

Idem as FCL.305.A and 305.: operational requirements should be deleted from licensing and be transferred to OPS.H

response *Accepted*

Thanks for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 3775 comment by: *DGAC FRANCE*

FCL 305.A, 305.H, 305.As  
These paragraphs should be transferred in part OPS.  
**Delete paragraphs FCL305.A, FCL 305.H, FCL 305.As.**

response *Accepted*

Thanks for your comment.

After having discussed all the comments on this paragraph in the Review group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

comment 3776 comment by: *DGAC FRANCE*

FCL 305 (a) (3)

The ATPL doesn't exist for the airship category, so it is necessary to give the privileges of pilot in command in commercial air transport of multi-pilot airships to the CPL(As) holders.

FCL 305 As CPL As...

The holder of a CPL(As) shall only act as pilot-in-command in commercial air transport ~~provided that~~ **of any single-pilot aircraft, and for the airship category, of any multi-pilot airship, subject to the restrictions specified in FCL.060 and in this Subpart** :

response *Not accepted*

The way the requirement is written it does not exclude any type of airship, so the Agency considers that the addition/specification you propose is not necessary.

After having discussed all the comments on this paragraph in the Review

group, the Agency has decided to transfer the privileges in commercial air transport regulated in FCL.305.A, FCL.305.H and FCL.305.As to Section V - Flight Crew - of Subpart OPS of Part-OR (NPA 2009-02c).

**B. Draft Opinion Part-FCL - Subpart E: Multi-Crew Pilot Licence - MPL**

p. 26

comment

1767

comment by: *REGA*

**STATEMENT**

There is only a MPL for airplane defined.

**PROPOSAL**

On the base of the MPL(A) establish a MPL(H).

It shall be possible to operate in multi-crew environment independently from the ATP(H)-training and licence. CPL(H) rated pilots shall be able to act as a copilot or a pilot-in-command in a multi-pilot operation. (See also cmt# 374)

response

*Not accepted*

The Agency has taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing, when developing the requirements for the Multi Pilot Licence. Article 2.5 of Annex 1 applies only to the Multi-crew pilot licence appropriate to the aeroplane category.

NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, Subpart E, number 34 indicates the following: 'Subpart E contains the requirements for the multicrew pilot licence (MPL). It contains only one Section, since it is only applicable to the aeroplane category, and follows closely Subpart K of JAR-FCL 1.'

The MPL could be extended to helicopters in the future, if ICAO Annex 1 is amended in that sense.

comment

4953

comment by: *ECA- European Cockpit Association*

Comment:

ECA recommends to add into the IR the rules related to the Advisory Board and all MPL ICAO requirements (step-by-step approach, FTO-operator linkage, etc.).

Justification:

These are all ICAO requirements. ECA cannot understand why EASA is deleting from the JAR-FCL text all these requirements. They are not additional requirements, but ICAO ones. Text like the JAR-FCL 1.535 and its two appendixes: guarantees are needed that the AB is going to continue, to ensure the monitoring of the correct implementation of the MPL. We already have examples how some NAA and FTOs do not fully comply with the regulation (step by step, ATC environment, ab-initio entrant,...). An MPL course is a complex enterprise and EASA should not allow only partial implementation of it that is why monitoring is of outmost importance. Furthermore, monitoring is also for purposes of information collection. ICAO is looking for an information collective bodies. MPL monitoring boards exist i in Australia and other parts.

response

*Noted*

The Agency acknowledges your proposal, but cannot take it.

The Agency will not add into the Implementing Rules the rules related to the Advisory Board and all MPL ICAO requirements. However, the Agency fully intends to keep using the MPL Advisory Board to help the implementation of this licence.

NPA 2008-17a, Appendix I – Explanatory memorandum to Part-FCL, Subpart E, number 34 indicates why no provisions similar to those of JAR-FCL 1.535 and its appendices were included: 'JAR-FCL1.535 created the MPL Advisory Board to provide guidance to authorities for the implementation of the MPL. Although the Agency fully intends to keep using the MPL Advisory Board to help the implementation of this licence, it does not consider possible to establish such a board by law in the EU context; this is another aspect where the different legal nature of the JARs and the implementing rules do not allow a point by point 'transposition'. It must be clear, however, that the Agency will continue the established cooperation to oversee the implementation of the MPL.'

comment

6643

comment by: *Direction de l'Aviation Civile Luxembourg*

We have not transposed JAR FCL Multi Pilot Licence into national legislation and have had a dissenting opinion about this to ICAO in the past; we still do not see the benefit of this licence. All specific MPL training requirements could easily have been incorporated into ATPL.

response

*Noted*

The Agency acknowledges your dissenting opinion.

Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

However, it should be noted that Article 7(7) of the Basic Regulation 216/2008 contains a clear mandate for the FCL IRs to contain all types of pilot licence covered by

comment

6857

comment by: *ECA- European Cockpit Association*

New rule:

**FCL.420A Implementation Monitoring – Multi-Crew Pilot Licence Advisory Board**

**An exchange of information between National Aviation Authorities, training organizations and operators that are involved in MPL(A) training and pilot representative bodies is required to achieve the successful implementation of the MPL. An advisory panel, designated the "MPL Advisory Board is established to use this information to provide guidance to Authorities and Interested Parties on the implementation and improvement of MPL(A) training courses.**

**Training organizations approved to give MPL(A) training courses shall provide regular feedback, in accordance with the approval conditions, to the Authority.**

**Insert Appendix 2 to JAR FCL 1.535 into Appendix 5.**

Justification:

MPL Advisory Board acc. JAR FCL 1.535 & Appendix 2 to JAR FCL 1.535 is missing in EASA FCL IR Subpart E. This is not acceptable.

The absence of the Monitoring makes the MPL license non-ICAO compliant. The MPL advisory board is part of the ICAO PANS TRNG Doc. and therefore part of the MPL training program and structure. If it is not implemented within the EASA FCL the MPL training program will not be fulfilling the ICAO requirements.

The deletion of the Monitoring Board has not gone through safety analysis or regulatory impact assessment.

response *Noted*

The Agency acknowledges your proposal, but cannot take it.

However, the Agency fully intends to keep using the MPL Advisory Board to help the implementation of this licence.

NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, Subpart E, number 34 indicates why no provisions similar to those of JAR-FCL 1.535 and its appendices were included: 'JAR-FCL1.535 created the MPL Advisory Board to provide guidance to authorities for the implementation of the MPL. Although the Agency fully intends to keep using the MPL Advisory Board to help the implementation of this licence, it does not consider possible to establish such a board by law in the EU context; this is another aspect where the different legal nature of the JARs and the implementing rules do not allow a point by point 'transposition'. It must be clear, however, that the Agency will continue the established cooperation to oversee the implementation of the MPL.'

**B. Draft Opinion Part-FCL - Subpart E: Multi-Crew Pilot Licence - MPL - FCL.405.A MPL - Privileges**

p. 26

comment 325

comment by: *Rod Wood*

It is good to see that the MPL has **NOT** been carried across to helicopters.

response *Noted*

Thank you for providing your opinion and the positive feedback.

The Agency has taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing, when developing the requirements for the Multi Pilot Licence. Article 2.5 of Annex 1 applies only to the Multi-crew pilot licence appropriate to the aeroplane category.

NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, Subpart E, number 34 indicates the following: 'Subpart E contains the requirements for the multicrew pilot licence (MPL). It contains only one Section, since it is only applicable to the aeroplane category, and follows closely Subpart K of JAR-FCL 1.'

comment 1092

comment by: *FOCA Switzerland*

E/  
FCL.405.A Privileges

Subpart K of the JAR-FCL rules deal with the requirements of a Multi-Crew Pilot Licence.

With regard to the "Privileges and Conditions" there is no specific indication as to the requirements an applicant for a "Full" ATPL has to comply with.

NPA 2008-17a, Subpart E/ FCL.400.A now is regulating the Multi-Crew Licence and includes all the requirements for such a licence.

However, in all the rules applicable we do not find any clear and precise indication concerning the requirements as to "experience and crediting" and reference to the "skill-test" which a candidate to get a "Full" ATPL out of his Multi-Crew Pilot Licence has to comply with.

Proposal

**We are of the opinion that this item missing needs to be developed and taken into consideration as a clear procedure to apply by the authorities.**

response *Noted*

You can find the requirements for an MPL holder that wishes to obtain the privileges of a full ATPL(A) in Section 2 of Subpart F - ATPL, paragraph FCL.505.A.

The Agency followed the same type of organisation for these requirements as in JAR-FCL 1, where the same requirements were included also in Subpart G, JAR-FCL 1.275(b).

comment

1601

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

**STATEMENT**

There is only a MPL for airplane defined.

**PROPOSAL**

On the base of the MPL(A) establish a MPL(H).

It shall be possible to operate in multi-crew environment independently from the ATP(H)-training and licence. CPL(H) rated pilots shall be able to act as a copilot or a pilot-in-command in a multi-pilot operation.

response *Not accepted*

The Agency has taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing, when developing the requirements for the Multi Pilot Licence. Article 2.5 of Annex 1 applies only to the Multi-crew pilot licence appropriate to the aeroplane category.

NPA 2008-17a, Appendix I – Explanatory memorandum to Part-FCL, Subpart E, number 34 indicates the following: 'Subpart E contains the requirements for the multicrew pilot licence (MPL). It contains only one Section, since it is only applicable to the aeroplane category, and follows closely Subpart K of JAR-FCL 1.'

The MPL could be extended to helicopters in the future, if ICAO Annex 1 is amended in that sense.

comment	<p>3618</p> <p style="text-align: right;">comment by: <i>Susana Nogueira</i></p> <p>SI n all the rules applicable to the MPL we do not find any clear and precise indication concerning the requirements as to 'experience and crediting' and reference to the skill test wich a candidate to get a full ATPL out of his MPL has to comply with.</p> <p>Proposal:  <b>This item missed need to be developed and taken into consideration as a clear procedure to apply by the authorities</b></p>
response	<p><i>Noted</i></p> <p>You can find the requirements for an MPL holder that wishes to obtain the privileges of a full ATPL(A) in Section 2 of Subpart F - ATPL, paragraph FCL.505.A.</p> <p>The Agency followed the same type of organisation for these requirements as in JAR-FCL 1, where the same requirements were included also in Subpart G, JAR-FCL 1.275(b).</p>

**B. Draft Opinion Part-FCL - Subpart E: Multi-Crew Pilot Licence - MPL - FCL.410.A MPL – Training course and Theoretical knowledge examinations**

p. 26

comment	<p>452</p> <p style="text-align: right;">comment by: <i>João Duarte</i></p> <p>Dear all,</p> <p>About this point,</p> <p>I want to know if it is possible to give theoretical crediting to Aeronautical engineers. An Aeronautical engineer study deeply almost of the matter described in the syllabus. Each matter is taught intensively in the university at least 4 hour per week during 5 months or 1 year plus the home study.</p> <p>Not being directly possible, this requirement should permit that any aeronautical engineer could send their documentation to their country aviation authority or better to EASA for evaluation, being this authority obligated to do the evaluation and crediting those matters if OK during the evaluation. The authority should also be obligated to publish the results allowing the applicant to comment the evaluation and try a new application for crediting.</p> <p>The applicant should go throughout an examination also on those matter but without going again to a school spending more money and where they will teach and correct the teachers.</p> <p>Please comment what is written above.</p> <p>Best Regards,          João Duarte          Aeronautical Engineer</p>
response	<p><i>Noted</i></p> <p>When drafting the implementing rules for FCL, the Agency had to take into account the provisions of the Basic Regulation 216/2008, which mandated the development of requirements for pilot licensing, and only foresaw a crediting</p>

system for flight engineer licence to be converted into pilot licences. Moreover, the ToR of the FCL.001 group indicated that the content of JAR-FCL should be followed in as much as possible, and JAR-FCL did not contain any provision for the crediting of theoretical knowledge from other licences than pilots licences. Therefore, no such credits system was envisaged for this NPA.

However, this could be a matter for a future Rulemaking task, that would evaluate the possibility for crediting based on a detailed syllabus comparison. We suggest that you use the EASA procedures to suggest this as a future Rulemaking task.

comment

701

comment by: *FOCA Switzerland*

E/  
FCL.410.A and Appendix 5

Clarification:

The term FTO has been changed to an "approved training organisation". This might be unclear compared to the known expressions "FTO / TRTO" in the JARs.

response

*Noted*

In JAR-FCL, FTO and TRTO were two different kinds of approved training organisation, with different privileges and different requirements for approval.

In our proposal, the distinction between FTO and TRTO disappears: all training organisations are named 'approved training organisation' (ATO); their individual privileges are established in the approval certificate; all ATOs will have to comply with the same general requirements and in addition with specific requirements for some specific privileges. But an ATO can have the privileges of both an (old) FTO and a (old) TRTO with no impediment.

For further information read Appendix II, Explanatory memorandum to Part-OR, Subpart ATO - Approved Training Organisation (ATOs) of NPA 2008-22A (page 23).

comment

3052

comment by: *Peter SCHMAUTZER*

The MPL is obviously a requirement of the airlines to get pilots on the co-pilot seat with a minimum of costs. The main prerequisite is a successful performed integrated course according to appendix 5. This means that such co-pilot has had a flying training of at least 240 hours, which are partly performed in a FSTD. Such a pilot has no experience in the general aviation or as flight instructor at all. The normal way to the co-pilot seat is gathering some 100 hours of flying experience in the general aviation before obtaining a co-pilot seat in an airliner. We all know that if problems accumulate basic flying skills and experiences in the general aviation can help. Therefore in my opinion it is necessary that there has to be a prerequisite of an integrated MPL-Training-course according to appendix 5, of some hundred hours of experience in the general aviation or business aviation.

response

*Noted*

The Agency follows closely Subpart K of JAR-FCL 1 and has taken over the

experience and crediting provisions from JAR-FCL 1.515.  
The experience and crediting provisions are also in line with paragraph 2.5.4 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

comment 4956 comment by: *ECA- European Cockpit Association*

Comment: change paragraph (b) as follows:  
(b) Examination. An applicant for an MPL shall have demonstrated a level of knowledge appropriate to the holder of an ATPL(A) in accordance to FCL.515 and of a multipilot type rating.

Justification:

It is not clear that the examination must be the same one as for the ATPL(A) theoretical knowledge, and needs to comply with the same test and other requirements. ECA recommends to add the underlined text to clarify the text and avoid misinterpretations.

response *Accepted*

Thank you for your comment.

The text will be amended accordingly.

**B. Draft Opinion Part-FCL - Subpart E: Multi-Crew Pilot Licence - MPL - FCL.415.A MPL – Practical Skill**

p. 26

comment 4356 comment by: *Marduc Aeronautical Consults*

.....in a multi-engine turbine powered multi-pilot aeroplane, or a VLJ (very light jet) which will be operated under OPS-1 and in a multi crew concept only.

response *Not accepted*

The Agency follows closely Subpart K of JAR-FCL 1 and has taken over the practical skill requirements from JAR-FCL 1.530. This is also in line with paragraph 2.5.3.1 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

Since the MPL is a new licence, still undergoing an implementation phase, the Agency does not consider it opportune to change the requirements coming from ICAO Annex 1 and JAR-FCL.

comment 6288 comment by: *DCAA*

FCL.415.A (b):

Last sentence to read: The Skill test shall be taken in a FFS representing the same type.

response *Partially accepted*

The Agency follows closely Subpart K of JAR-FCL 1 and has taken over the practical skill requirements from JAR-FCL 1.530. This is also in line with paragraph 2.5.3.1 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

Since the MPL is a new licence, still undergoing an implementation phase, the Agency does not consider it opportune to change the requirements coming from ICAO Annex 1 and JAR-FCL.

On the other hand, the reason for the actual wording is to allow the test to be conducted in the aeroplane when there is no suitable FFS. In any case, the wording 'or a simulator representing the same type' will be amended to 'or an adequately qualified FSTD representing the same type', and an AMC will be added to the paragraph to specify that it should be an FFS. Please also see the general explanation on the references to FSTDs throughout Part-FCL and the explanatory note to this CRD.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 1: Common Requirements - FCL.505 ATPL - Privileges**

p. 27

comment

1051

comment by: *FTO 09-157 FRENCH AIR FORCE*

The privileges of the holder of an ATPL are not to exercise the privileges of the holder of LPL. Why?

The FCL.505 can be rewritten as follows:

The privileges of the holder of an ATPL are to, within the appropriate aircraft category:

**(1) Exercise the privileges of the holder of a LPL, a PPL and a CPL**

response

*Accepted*

Thank you for your comment.

The text will be amended accordingly.

comment

4959

comment by: *ECA- European Cockpit Association*

Comment: delete paragraph (a)(3):

(a) The privileges of the holder of an ATPL are to, within the appropriate aircraft category:

(1) exercise all the privileges of the holder of a PPL and a CPL;

(2) act as pilot in command in aircraft engaged in commercial air transportation;

~~(3) for the aeroplane category, to exercise all the privileges of an IR(A).~~

Justification:

Even though this privilege is included in the actual JAR, the privilege of flying IR is given by the IR rating, not by the license. According to this paragraph, the holder of an ATPL license with an out of date IR rating could still exercise the privileges of the IR, which is not acceptable.

response

*Accepted*

When writing this paragraph, the Agency followed closely Subpart G of JAR-FCL 1, and specifically JAR-FCL 1.275. The wording of this paragraph was linked to the fact that in the case of aeroplanes the ATPL training course always includes the IR.

However, the Agency agrees that leaving the paragraph as it was written in

JAR-FCL may lead to the interpretation that you mention, which was not the intention of JAR-FCL. Therefore, the text will be amended accordingly, and paragraph (a)(3) will be deleted.

Even with this change, this paragraph remains in compliance with paragraph 2.6.2.1 of Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

comment 6066

comment by: CTC Aviation Services Ltd

**Comment** -- As a point of drafting accuracy in FCL 505 (a)3 please consider whether the IR privileges are conferred by the Rating and not the Licence

response *Noted*

Please see the reply to comment 4959 above.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 1: Common Requirements - FCL.515 ATPL – Training course and  
theoretical knowledge examinations**

p. 27

comment 465

comment by: London Metropolitan University

FCL.515 (a) last line mentions a modular course.  
In Appendix 3 and the AMC to Appendix 3 there are no modular courses listed. The ATPL Modular Course was omitted in the original JAR-FCL and should be addressed and be accepted as an addition/part of this NPA.  
Also, in no document is there any mention of distance learning for the ATPL Theoretical Knowledge. This also needs to be addressed and added to PART FCL.

response *Noted*

The modular course for ATPL can be found in paragraph FCL.515.A and paragraph FCL515.H.

The distance learning courses are regulated in NPA 2008-22c. In Subpart ATO – Approved Training Organisations, Section 4 – Additional requirements for ATOs providing specific types of training, chapter 1 deals about the Distance learning courses.

comment 492

comment by: FOCA Switzerland

F/Section 1 FCL.515

This para needs more clarification.

Proposal:

Applicants for a **training course in ATPL-Theory** ..

response *Not accepted*

The heading of this paragraph indicates very clear that this paragraph is

written for the ATPL. Furthermore, this text follows closely the wording from Subpart G – ATPL, JAR-FCL 1 and 2, paragraph JAR-FCL 1.285 and paragraph JAR-FCL 2.285.

comment 979 comment by: *CAA Belgium*

(b) Air Law: is missing in Appendix 2.

response *Noted*

In Appendix 2 there is indeed the item 'Air Law' missing. Appendix 2 has to be in compliance with Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008. This is an omission and the text will be amended accordingly.

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment 1104 ❖ comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:** The text should be changed so it is uniform with LPL and PPL

**Proposal:** ...shall demonstrate to the competent authority a level of knowledge...

response *Partially accepted*

The Agency agrees that there is a need for consistency.

However, in our view it is the text of paragraph FCL.120 (for LPL) and paragraph FCL.215 (for PPL) concerning the Theoretical knowledge examinations that should be uniform with the text of paragraph FCL.310 (for CPL), paragraph FCL.515 (for ATPL) and paragraph FCL.615(IR). The indication that the competent authority is ultimately responsible should be given by paragraph FCL.025 in conjunction with Part-AR.

The Agency will redraft paragraph FCL.120 and paragraph FCL.215 and delete the reference to the competent authority.

comment 1567 comment by: *IAAPS*

FCL.515 (a) last line mentions a modular course.

In Appendix 3 and the AMC to Appendix 3 there is no ATPL modular course listed.

This was omitted in JAR-FCL and should be addressed with the acceptance of this NPA.

Also, there is no mention of distance learning for the ATPL Theoretical Knowledge in any document. This also needs to be addressed.

Solution:

The appendix 1 to JAR FCL 1.285 ATPL(A) modular Theoretical knowledge course should be retained in Part FCL as an AMC to FCL.515.A

response *Noted*

Please see the reply to comment 465 above.

Concerning your last comment.  
All the other elements that were included in Appendix 1 to paragraph JAR-FCL 1.285 are included in the AMC to paragraph FCL.515.A and paragraph FCL.515.H.

comment

1906

comment by: *Nigel Roche*

(b) *Examination*. Applicants for an ATPL shall demonstrate a level of knowledge appropriate to the privileges granted in the following subjects, further detailed in Appendix 2 to this Part:

- Air Law;
- Aircraft General Knowledge Airframe/ Systems/ Power plant; etc

I would suggest that firstly the subjects are identified by the first three digits of their respective code numbers:

- 010 Air Law;
- 021 Aircraft General Knowledge Airframe/ Systems/ Power plant;

Secondly that the title given in this order matches that given in the appendix 2 syllabus and Learning Objectives. For example

- Aircraft General Knowledge Airframe/ Systems/ Power plant;

should read AIRCRAFT GENERAL KNOWLEDGE - AIRFRAME AND SYSTEMS, ELECTRICS, POWERPLANT, EMERGENCY EQUIPMENT

response

*Noted*

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

Your comment will be taken into account during that task.

comment

1911

comment by: *Nigel Roche*

I am surprised; for the ATPL (A) integrated training course the reader is referred to Appendix 3 to this part. For a modular ATPL(A) no cross reference is given. There are two references these are FCL.515A on page 28 of 647 and AMC to FCL.515.A and FCL.515.H on page 360 of 647.

In my opinion this is an oversight that should be rectified by inserting an ATPL(A) Modular - Aeroplanes into Appendix 3 if this is not acceptable then at least a reference to FCL.515.A

response

*Noted*

Please see the replies above to comment 465 and 1567.

comment

3830

comment by: *Luftfahrt-Bundesamt*

FCL.515:  
FCL.515 (c) should read: The theoretical **examination** shall be completed before the skill test for ATPL(A) is taken.

response

*Noted*

Your proposal can be found in paragraph FCL.030 Practical skill test, Subpart A, General Requirements:

(a) Before a skill test for the issue of a licence, rating or certificate is taken, the applicant shall have passed the required theoretical knowledge examination, except in the case of applicants undergoing a course of integrated flying training.

comment

5689

comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

No description is made for modular course. We suggest (a) to be written as follow: "(...) the course shall be either an integrated training course, in accordance with appendix 3 to this part, on a modular course, in accordance with appendix xx to this part, where the appendix xx is the appendix 1 to JAR-FCL 1.285 ATPL(A)

Distance learning issues should also be addressed. We suggest to introduce "(a)': " A training course may include the use of such facilities as inter-active video, slide/tape presentation, learning carrels, computer based training and other media as approved by the Authority. Approved distance learning (correspondence) courses may also be offered as part of the course at the discretion of the Authority.

response

*Noted*

Please see the replies above to comment 465 and 1567.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 2: Specific requirements for the aeroplane category - FCL.505.A  
ATPL(A) - Restriction of privileges for pilots previously holding an MPL**

p. 28

comment

4733

comment by: *CAA Belgium*

This restricts the holder of an ATPL, who has previously held only an MPL, to "multi-pilot operations". In FCL.405.A(a)(1), the holder of an MPL is restricted to "aeroplanes required to be operated with a co-pilot". These restrictions are quite different, and should be aligned for logic and clarity. See also our General comment 5.

response

*Noted*

When developing the requirements for this Part-FCL, The Agency not only follows the JAR-FCL but the Agency has also taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

The text of the privilege of the holder of an MPL licence in paragraph FCL.405.A(a)(1): 'act as co-pilot in an aeroplane required to be operated with a co-pilot' is an exact copy of paragraph JAR-FCL 1.510 (a)(5) and paragraph 2.5.2.1 (c) of ICAO Annex 1. Here you can find exactly the same wording.

The text of the restriction of the privileges for pilot previously holding a MPL in paragraph FCL.505.A, is in wording the same text as in paragraph JAR-FCL 1.275 (b).

In paragraph 2.6.2.2 of ICAO Annex 1 there is written "the licence shall be limited to multi-crew operations ...". Paragraph JAR-FCL 1.275 (b) and now

also paragraph FCL.505.A. are more restrictive than ICAO Annex 1.

The Agency is aware of the confusion of the expressions 'multi pilot', 'multi pilot operations', 'multi pilot aircraft', 'multi crew' etc. The Agency will search the entire NPA-FCL for those expressions and will edit them where needed.

comment 6879

comment by: CAA CZ

Restriction of privileges of ATPL(A) holder, who was originally MPL holder, should be the same as for MPL according to FCL.405.A(a), i.e. "aeroplane required to be operated with co-pilot," what is actually a multi-pilot aeroplane and does not mean "restricted to multi-pilot operations". Multi-pilot operations might also be carried out on single-pilot aeroplanes.

response *Noted*

Please see the reply to comment 4733 above.

comment 7020

comment by: CAA Norway

FCL.505.A

This restricts the holder of an ATPL, who has previously held only an MPL, to "multi-pilot operations". In FCL.405.A(a)(1), the holder of an MPL is restricted to "aeroplanes required to be operated with a co-pilot". These restrictions are quite different, and should be aligned for logic and clarity. See also General comment 6899 (Our General comment 5)

response *Noted*

Please see the reply to comment 4733 above.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 2: Specific requirements for the aeroplane category - FCL.510.A  
ATPL(A) - Pre-requisites, experience and crediting**

p. 28

comment 294

comment by: CAA Belgium

1)The importance given to the PICUS flight time as a part of the flight experience prerequisite for the ATPL, requires a clear definition of PICUS flight time and a close supervision by the competent Authority. Our experience shows that in certain cases "ordinary" copilot flight time is credited as PICUS. See also our remark under "Definitions".

to be completed in order to be consistent with Annex 1-ICAO :  
(b)(5) 100 hours of night flight "*as pilot-in-command or copilot*".

response *Accepted*

Thank you for your comment.

The text in paragraph FCL.510.A (b)(5) will be amended accordingly.

The response on your comment on the definition of PICUS flight time you can find under the responses of paragraph FCL.010, Definitions.

comment	<p>1067 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Comment:</b> We should give the same credit as we give for MCC-courses. There is no reason for having different requirements since we give credit for experience of multi-pilot operations, not for particular aeroplanes.</p> <p>Reference: FCL.720.A ( c ) ( 4 ) ( iv )</p> <p><b>Proposal:</b> (b) <i>Experience</i>. Applicants for an ATPL (A) shall have completed a minimum of 1500 hours of flight time in aeroplanes, including at least: (1) 500 hours as a pilot in multi-pilot operations on single-pilot multi-engine aeroplanes, in commercial air transport operations.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency follows in this paragraph FCL.510.A(b)(1) closely the wording of paragraph JAR-FCL 1.280 (a)(1), but sees your point.</p> <p>The reference to a type certificate issued in accordance with CS-25 or equivalent code, or, CS-23 Commuter category or equivalent code will be deleted.</p>
comment	<p>3091 comment by: <i>Deutsche Lufthansa Berlin Stiftung</i></p> <p>Im Namen der Deutschen Lufthansa Berlin Stiftung und meiner FE-Kollegen nehme ich Bezug auf die anstehenden Regulierungen der EASA bezüglich unserer Flugingenieur-Lizenzen. Wir bitten dringend um Berücksichtigung und Erhaltung dieser Lizenzart in den neuen EASA-Regularien analog zu den „Bestimmungen über die Lizenzierung von Flugingenieuren nach JAR-FCL4 deutsch“ ( nicht als Anhang oder Änderung in die einer anderen Berufssparte).</p> <p>Auch in Zukunft wird es das Tätigkeitsmerkmal „Flugingenieur“ geben.</p> <p>Zum einen sind in der gewerblichen Luftfahrt weiterhin noch für einen längeren Zeitraum Dreimann-Cockpits im Einsatz wie z.B. Boeing B 747-200. In Deutschland lizenziertes Personal ist auf diesen Flugzeugen derzeit tätig.</p> <p>Zum anderen sind in Deutschland auf historischen Flugzeugen, deren Cockpitbesatzung einen Flugingenieur beinhalten und erfordern, in Deutschland lizenzierte Flugingenieure weiterhin und vermehrt in Zukunft tätig.</p> <p>Eine Berücksichtigung dieser Umstände erfordert den Erhalt der Flugingenieurlizenz in der oben angeführten Form.</p>
response	<p><i>Noted</i></p> <p>There will be no European flight engineer license, but provisions to get some credit when going from flight engineer (national license, e.g. JAR-FCL 4) to a pilot license.</p> <p>According to Article 7(6)(d) of the Basic Regulation, the Agency only has the legal basis to create implementing rules on how to convert existing flight engineers licences into pilot licences. This will be made in the Licensing Cover Regulation – there will be a specific paragraph. This was mentioned in the</p>

Explanatory Note under the Transition measures.

NPA 2008-17a, Apendix I – Explanatory memorandum to Part-FCL, A. Explanatory Note, number 50 (page 86) indicates the following: ‘The Basic Regulation also mandates the adoption of implementing rules for the conversion of national flight engineers licences into pilot’s licences. Here again, the Agency considers that the best way to deal with this transition is on the basis of a conversion report, in similar terms to the one described above for national pilot licences issued outside the JARFCL system. Of course, in this case, there will be no time limit for the conversion, which can be operated even after the transition period.’

comment

3226

comment by: *Susana Nogueira*

(b)(5) 100 hours af night flight **as PIC or co-pilot.**

response

*Accepted*

Thank you for your comment.

The text in paragraph FCL.510.A (b)(5) will be amended accordingly.

comment

3458

comment by: *Boeing*

**Boeing Commercial Airplanes comments re:  
NPA 2008-17b**

Page 28

Paragraph: FCL.510A (c) - *Crediting*

*and*

Page: 6

Paragraph: FCL.035 (b) - *Crediting of theoretical knowledge*

Boeing suggests that the following changes be made: Add a new subparagraph that states: ***“For holders of an ICAO accepted ATPL and type rating, credit shall be given consistent with experience.”***

-----  
**JUSTIFICATION:** This will allow transition from an ICAO to an EASA license without repeating costly and unnecessary training.

response

*Not accepted*

When developing the requirements for this Part-FCL, The Agency not only follows the JAR-FCL but the Agency has also taken into account Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing.

The text of this paragraph FCL.510.A(b)(3) is an exact copy of paragraph JAR-FCL 1.280 (a)(3) and is in wording the same text as paragraph 2.6.3.1.1.1.(b) of ICAO Annex 1.

Please see also replies to comments on Annex III, on the acceptance of third country licences.

comment	<p>4180 <span style="float: right;">comment by: <i>Noel WHITE</i></span></p>
	<p>The requirement for 500hrs in multi-pilot operations automatically excludes existing UK ATPL holders from maintaining an EASA ATPL licence. There are many instances where a small passenger carrying SPA is presently piloted by a UK ATPL(A) ME/IR holder. This means that UK ATPL(A) holders would be down graded to an EASA CPL ME/IR licence. The pilot with a downgraded EASA CPL ME/IR license seeking an airline job with multi pilot operations e.g. applying to an airline for heavy jet employment, will be severely disadvantaged. Firstly the airline advertisement will call for applications from pilots with EASA ATPL or Frozen ATPL licences, and secondly the airline recruiters will naturally reject CV's received not meeting the stated ATPL requirements. Although in theory the downgraded EASA CPL ME/IR holder could apply, and has the required licence he/she will not be requested to apply, and even if he/she does apply the airline CV filtering process will exclude them as they will not be able to state they hold ATPL. I think this is a fundamental breach of human rights as it will deny a key employment opportunity to the experienced and qualified pilot or instructor wishing or NEEDING to change piloting career. It would be preferable to convert existing UK ATPL(A) licences to EASA ATPL(A) perhaps with a stated limitation of No Multi-Crew Operations. I understand there are not that many UK licence holders in this situation but with a declining UK GA environment, combined with a continuing credit crunch, the only remaining option for earning a living from piloting using the hard earned UK ATPL licence may be to obtain a heavy jet job. There is also a loss of status similar to reducing a captain to first officer rank which is psychologically negative.</p>
response	<p><i>Noted</i></p> <p>See the response to the comment on Annex IV, to the Implementing regulation requirements for the conversion of national licences and ratings for aeroplanes and helicopters.</p>
comment	<p>4734 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>FCL.510.A(b)(5) Probably editorial. It requires 100 hour of night flight, with no further specifications. In the corresponding helicopter FCL.510.H(b)(5), it specifies “..as pilot-in-command or as co-pilot”</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 3226 above.</p>
comment	<p>6494 <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment: In the class- and type-rating-list there are sub-types of aeroplane that are categorised in and out of the commuter category which makes it enormously difficult to find out on which category the 500 hrs were really flown.</p> <p>Proposed Text: (b) (1) 500 hours <b>on multi-pilot aeroplanes or on single-pilot aeroplanes in multi-pilot operations (performance class A or B according Part OPS)</b> <del>on aeroplanes with a type certificate issued in accordance with CS25 or equivalent code, or CS-23 Commuter category or equivalent code</del></p>
response	<p><i>Partially accepted</i></p>

Please see the reply to comment 1067 above.

comment 6732 comment by: CAA CZ

(b) Last sentence - regarding JAR-FCL 1.280(a) 100 hours of 1500 hours may be completed on in **FS** and not FFS.

response *Accepted*

FFS is the right wording. The Agency will ensure that this will be amended in the entire Part-FCL.

comment 7023 comment by: CAA Norway

FCL.510.A(b)(5)  
Probably editorial. It requires 100 hour of night flight, with no further specifications. In the corresponding helicopter FCL.510.H(b)(5), it specifies "...as pilot-in-command or as co-pilot"

response *Accepted*

Please see the reply to comment 3226 above.

comment 7459 comment by: Dorothy Pooley

The requirement for an ATPL holder to have flown 500 hours multi crew automatically excludes a large number of existing ATPL holders in the UK who passed all of the appropriate examinations and complied with all of the then existing requirements for the issue of a UK ATPL. To disqualify them now and downgrade their licences when they have been life-time holders acting as commercial pilots but simply not in a multi crew environment is a degrading loss of status and an infringement of their human rights. It should be possible to give a credit to such pilots or allow them to retain their status, as it does not affect anyone else except the individual. The necessity of such a person gaining 500 hours multi crew experience before being able to act as a Captain of commercial air transport heavy jet is understood, but removing the status and title of such otherwise experienced pilots will detract from their employability as commercial instructors and instrument rating instructors.

response *Noted*

Please see the reply to comment 4180 above.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 2: Specific requirements for the aeroplane category - FCL.515.A p. 28-29  
ATPL(A) - Theoretical knowledge instruction – Modular course**

comment 453 comment by: João Duarte

Dear all,

About this point,

I want to know if it is possible to give theoretical crediting to Aeronautical engineers. An Aeronautical engineer study deeply almost of the matter

described in the syllabus. Each matter is taught intensively in the university at least 4 hour per week during 5 months or 1 year plus the home study.

Not being directly possible, this requirement should permit that any aeronautical engineer could send their documentation to their country aviation authority or better to EASA for evaluation, being this authority obligated to do the evaluation and crediting those matters if OK during the evaluation. The authority should also be obligated to publish the results allowing the applicant to comment the evaluation and try a new application for crediting.

The applicant should go throughout an examination also on those matter but without going again to a school spending more money and where they will teach and correct the teachers.

Please comment what is written above.

Best Regards,  
João Duarte  
Aeronautical Engineer

response

*Not accepted*

At this time it is not legaly possible to give theoretical crediting to Aeronautical engineers in Part-FCL. This will be a matter of future rulemaking.

In Appendix 5 under General, number 1, the aim of the MPL integrated course can be found: The aim of the MPL integrated course is to train pilots to the level of proficiency necessary to enable them to operate as co-pilot of a multi-engine multi-pilot turbine-powered air transport aeroplane under VFR and IFR and to obtain an MPL.

The scope of this NPA 2008-17b Part-FCL is to establish the requirements for the issue of pilot licences and associated ratings and certificates and the conditions of their validity and use. This Part-FCL applies not to Aeronautical engineers.

comment

466

comment by: *London Metropolitan University*

FCL.515.A para (b)  
See earlier comment on FCL.025 para (b) (2).

FCL.515.A para (c) spelling error delete "knoledge" insert "knowledge"

response

*Partially accepted*

Thank you for providing your comment on the spelling error.

See also the respond on your comment to paragraph FCL.025. No contradiction was identified. The proposed rule allows 18 months for completion of the theoretical training and, additionally, 18 months for the completion of theoretical examinations.

Subparagraph (c) of paragraph FCL.515.A will be deleted because it is covered in Subpart A, General Requirements, FCL.030 Practical skill test, under (a), second line: 'In any case, the theoretical knowledge instruction shall always have been completed before the skill tests are taken.'

Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.

comment 980

comment by: *CAA Belgium*

(b): number of hours to be given is different from the number imposed by JAR-FCL. Given the fact that the training program is the same, what could justify this difference ? Furthermore it seems not very logical :

- (2) CPL(A) 50 hrs less than JAR-FCL
- (3) IR(A) 50 hrs more than JAR-FCL
- (4) CPL and IR(A): 50 hrs less than JAR-FCL

Other question: what for PPL(A) with IR(A) ?

response *Noted*

The number of hours is taken from the draft NPA-FCL 34. This draft NPA-FCL 34 amended paragraph 2 of Appendix 1 to paragraph JAR-FCL 1.285, ATPL(A) – Modular theoretical knowledge course.

NPA 2008-17a, Appendix I – Explanatory Note, number 40 (page 15) indicates the following: 'Additionally, even though the latest amendments of JAR-FCL 1, 2 and 3 were taken as a basis for the development of the draft implementing rules, NPAs that were in an advanced phase of adoption in the JAA system were introduced in the present NPA'. In note 30 there is written: 'Draft NPA's FCL 33, 34 and 36 were inserted in the present NPA.'

The PPL/IR is not mentioned because the pre-entry requirements for ATPL modular theoretical course is according to FCL.515.A (a) a PPL and the credit for IR is given in subparagraph (3).

The wording follows JAR-FCL where there was no specific mention for PPL/IR as well.

Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.

comment 1934

comment by: *Nigel Roche*

(b) "within a period of 18 months"

I highlight this entry to again emphasise the inconsistency within this current document. Here we have to refer back to FCL.025 on page 7 of 647 to find from when the 18 months is said to start, whereas for the LPL, PPL etc it is given in the appropriate AMCs.

Recommendations 1 insert a written link to FCL.025

OR

2 compile the information into an AMC

response *Not accepted*

Thank you for your comment.

However, in this case the Agency has identified no inconsistency. The proposed rule allows 18 months for completion of the theoretical training and, additionally, 18 months for the completion of theoretical examinations. The point from which you count the period for the completion of the examinations and of the training hours cannot be the same.

comment

1970

comment by: *Nigel Roche*

Apart from the specified minimum of 650 hours for a PPL holder to undertake for an ATPL(A), the other training hours specified are not realistic as they do not make any allowance of when the student undertook the other level exams or the commonality of material.

If you refer to the 2008 Learning Objectives [http://www.jaa.nl/licensing/jar-fcl/jar-fcl\\_Aug2008\\_frame.html](http://www.jaa.nl/licensing/jar-fcl/jar-fcl_Aug2008_frame.html) you will see in many subjects that the CPL(A) and ATPL(A) objectives are common, therefore the exam questions are common in the CQB. thus the training material is common.

I would recommend that sliding scale is used such as below. This would stop the ludicrous situation where a student has undertaken a CPL(A) and passed with flying colours, then being offered a job if they obtain an ATPL (A) - having to undertake a further 400 hrs of training.

JAA / EASA	Months since last rating/ licence exam completion				
	12	24	36	48	60 or more
<b>PPL</b>	650	650	650	650	650
<b>IR</b>	400	425	450	475	500
<b>CPL</b>	100	150	200	250	350
<b>CPL/IR †</b>	50	100	150	200	250

Hours required

† for students who undertook a CPL/IR course

For students who obtained a either attached an IR rating to CPL or a CPL to an IR will undertake the hours specified by the CPL up to a maximum of 250 Hours.

response

*Noted*

Please see the reply to comment 980 above.

comment

2037

comment by: *Lauri KARJALAINEN*

(a) hold:

(1) a PPL **or passed succesfully skill test for PPL** and...

(2) a CPL **or passed succesfully skill test for CPL** and...

response

*Not accepted*

The Agency follows closely Subpart G of JAR-FCL 1 and has taken over the text from Appendix 1 to paragraph JAR-FCL 1.285: 'An applicant shall be the holder of a PPL(A) issued in accordance with ICAO Annex 1'.

Next to that paragraph FCL.515.A indicates that applicants shall hold **at least** a PPL(A). So this includes obviously the CPL(A). It only excludes licenses 'below' the PPL(A), like the LPL(A).

Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.

comment

2844

comment by: PPL/IR Europe

We do not believe this detailed level of prescription for training hours belongs in the Implementing Rules.

Firstly, the numbers are somewhat arbitrary ones developed for JAR-FCL many years ago; it is not clear that they represent the only possible best practice today, given how teaching methods and media have evolved.

EASA has declared that a principle of its rulemaking is to recognise that EU law is, by necessity, more prescriptive than JAA regulation and that, therefore, flexibility must be built into EASA regulations by transferring detailed prescription from IRs to AMCs and GMs. We believe this principle should be applied here.

response

Noted

Please see the reply to comment 980 above.

comment

2913

comment by: AECA(SPAIN)

(b): number of hours to be given is different from the number imposed by JAR-FCL. Given the fact that the training program is the same, what could justify this difference ? Furthermore it seems not very logical :

- (2) CPL(A) 50 hrs less than JAR-FCL
- (3) IR(A) 50 hrs more than JAR-FCL
- (4) CPL and IR(A): 50 hrs less than JAR-FCL

What for PPL(A) with IR(A) ?

response

Noted

Please see the reply to comment 980 above.

comment

3195

comment by: Susana Nogueira

(b) The number of hours is different from the number established by JAR-FCL. Given that the program is the same, what is the justification for this change?:

- (2) CPL(A), 50 hours less than in JAR-FCL.
- (3) IR(A) 50 hrs. more
- (4) CPL/IR 50 hrs less

Need to establish the number of hours for PPL+IR.

response	<i>Noted</i> Please see the reply to comment 980 above.
comment	3225 <span style="float: right;">comment by: <i>Susana Nogueira</i></span> Delete paragraph (c). Justification: is covered by FCL 030
response	<i>Accepted</i> Thank you for your comment.  The text in paragraph FCL.515.A will be amended accordingly. Subparagraph (c) will be deleted because it is indeed covered by paragraph FCL 030 (a), second line: 'In any case, the theoretical knowledge instruction shall always have been completed before the skill tests are taken.'  Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.
comment	3831 <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span> FCL.515.A: The communication subject should be named according to the Syllabus (Appendix 2A): <b>VFR- Communication</b>  Spelling could be improved by using capitals: Mass and <b>B</b> alance, Principles of <b>F</b> light.
response	<i>Noted</i> All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.  Editorials will be amended accordingly.  Please note that the content of Appendix 2 has been transferred to AMC, based on the comments received. Please see the comments on Appendix 2 and the amended text.
comment	4018 <span style="float: right;">comment by: <i>IAAPS</i></span> NPA 2008-17b page 28, FCL.515.A disposes that: < Applicants for an ATPL(A) that complete their TK instruction at a modular course shall : (a) hold at least a PPL(A) ; ... >  Pilots holding a licence on aircraft other than airplanes, not holding a PPL(A), should be permitted to enter an ATPL(A) theoretical modular course. They have basic knowledge and understanding of aviation and might profitably undertake a conversion towards an airplane pilot career. This concerns helicopter pilots, and should probably be accepted even more broadly.

	<p>Proposal for a new text is : (a) hold at least a PPL(A), or a CPL on any aircraft.</p>
response	<p><i>Not accepted</i></p> <p>The Agency follows closely Subpart G of JAR-FCL 1 and has taken over the text from Appendix 1 to paragraph JAR-FCL 1.285, as amended in draft NPA-FCL 34. This draft NPA-FCL 34 amended paragraph 2 of Appendix 1 to paragraph JAR-FCL 1.285, ATPL(A) – Modular theoretical knowledge course: ‘An applicant shall be the holder of a PPL(A)’</p> <p>Pilots holding a licence on aircraft other than airplanes (like helicopters) are not permitted to enter an ATPL(A) theoretical modular course. But there is a provision to give them some credit in an ATPL integrated course (see paragraph A.4 of Appendix 3 to Part-FCL). Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.</p>
comment	<p>4735 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>FCL.515.A(c) Should this also include the theoretical examinations to be <u>completed</u> and <u>passed</u> before taking the skill test for the ATPL(A)?</p>
response	<p><i>Noted</i></p> <p>Subparagraph (c) from paragraph FCL.515.A, concerning the theoretical knowledge instruction will be deleted, because it is covered in Subpart A, General Requirements, FCL.030 Practical skill test, under (a), second line: ‘In any case, the theoretical knowledge instruction shall always have been completed before the skill tests are taken.’</p> <p>The theoretical knowledge examination is covered in that same paragraph FCL.030 Practical skill test, under (a), in the first line: ‘Before a skill test for the issue of a licence, rating or certificate is taken, the applicant shall have passed the required theoretical knowledge examination, except in the case of applicants undergoing a course of integrated flying training.’</p> <p>Please note that the content of paragraph FCL.515.A has been transferred to Appendix 3, under B: ATP Modular course – Aeroplanes, based on the comments received. Please see the comments on Appendix 3 and the amended text.</p>
comment	<p>4964 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>Comment: The hours in relation to the reductions set out in JAR are wrong. Change text as follows:</p> <p>(b) complete at least the following hours of theoretical knowledge instruction within a period of 18 months: (1) for applicants holding a PPL(A): 650 hours; (2) for applicants holding a CPL(A): <del>400</del> <b>450</b> hours;</p>

(3) for applicants holding an IR(A): 500 hours;  
 (4) for applicants holding a CPL(A) and an IR(A): ~~250~~**300**hours.

**Justification:**

It is unacceptable a larger reduction of the training hours, when reality shows that these are minimum hours that, in many cases, show themselves as insufficient to properly train the students in all the subjects.

response *Not accepted*

Please see the reply to comment 980 above.

comment

5409

comment by: *CAA Belgium*

The communication subject should be named according to the Syllabus (Appendix 2A): **VFR- Communication**

Spelling could be improved by using capitals: Mass and **B**alance, Principles of **F**light.

response *Noted*

Please see the reply to comment 3831 above.

comment

5446

comment by: *UK CAA*

**Paragraph:**

FCL.515.A – ATPL(A) Theoretical knowledge instruction-Modular Course

**Page No\*:**

28 of 647

**Comment:**

Paras (b) (2) thru (b) (4) – theoretical knowledge instruction hours do not correspond to JAR-FCL 1

**Justification:**

Clarification

**Proposed Text:**

**(if applicable)**

(2) for applicants holding a CPL(A): 450 hours

(3) for applicants holding an IR(A): 450 hours

(4) for applicants holding a CPL(A) and IR(A): 300 hours

response *Not accepted*

Please see the reply to comment 980 above.

comment

6241

comment by: *CAA Finland*

FCL.515.A(c):

Text shall be removed; already covered by FCL.030(a).

response *Accepted*

Please see the reply to comment 3225 above.

comment

6497

comment by: *Austro Control GmbH*

	<p>Comment: Covered by FCL.030</p> <p>Proposed Text: <b>Delete (c)</b></p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 3225 above.</p>

comment	<p><b>6881</b> <span style="float: right;">comment by: CAA CZ</span></p> <p>FCL.515.A (b)(1) According to Appendix 1 to JAR-FCL 1.285, requirements for entering the course ATPL(A) with a PPL issued in accordance with ICAO Annex 1 should be added: "... a PPL(A) <b>issued in accordance with ICAO Annex 1</b>: 650 hours"</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment.</p> <p>The text will be amended accordingly (and also in FCL.515.H).</p>

comment	<p><b>7024</b> <span style="float: right;">comment by: CAA Norway</span></p> <p>FCL.515.A(c) Should this also include the theoretical examinations to be <u>completed</u> and <u>passed</u> before taking the skill test for the ATPL(A)?</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 4735 above.</p>

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
- Section 2: Specific requirements for the aeroplane category - FCL.520.A  
ATPL(A) – Skill test**

p. 29

comment	<p><b>264</b> <span style="float: right;">comment by: Michel Lacombe AF TRTO</span></p> <p>As nothing is precised we may understand that the skill test has to be taken on a plane, like nearly all the skill tests. This article (FCL 520 A) as the FCL 415 A, should indicate that the skill test should be passed on aeroplane or on a simulator representing the same type. <b>New text :</b> FCL 520 A : ATPL (A) - Skill test Applicants for an ATPL(A) shall pass a skill test in accordance with Appendix 9 to this Part to demonstrate the ability to perform, as a pilot-in-command of a multi-pilot aeroplane under IFR the relevant procedures and maneuvers with the competency appropriate to the privileges granted. The skill test shall be taken in simulator representing the type of aircraft or on the aircraft.</p>
response	<p><i>Partially accepted</i></p> <p>The fact that the skill test can be taken in a simulator is already clear from the</p>

text of Appendix 9. However, for clarification purposes, and as you suggest, the text will be amended to indicate that the skill test can be taken either in the aeroplane or in an adequately qualified FFS representing the type of aeroplane.

comment 1972 comment by: *Nigel Roche*

"Applicants for an ATPL(A) shall pass a skill test in accordance with Appendix 9"

I would suggest for clarity that this is reworded to read:

"Applicants for **the issue of an ATPL(A) licence** shall pass a skill test in accordance with Appendix 9"

I also noted in "to the privileges granted." that the full stop is a space to the right.

response *Partially accepted*

The wording 'Applicants for an ...' (PPL, CPL, MPL, ATPL etc) is used in the entire Part-FCL. This is also the wording in the JAR-FCL. There is no reason for clarity to change that in this paragraph.

The space between 'granted' and the full stop, will be deleted.

comment 3342 comment by: *DGAC FRANCE*

FCL. 520. A

The possibility to take the ATPL skill test on a simulator is not clearly stated.

FCL 520 A : ATPL (A) - Skill test

Applicants for an ATPL (A) shall pass a skill test in accordance with Appendix 9 to this Part to demonstrate the ability to perform, as a pilot-in-command of a multi-pilot aeroplane under IFR the relevant procedures and maneuvers with the competency appropriate to the privileges granted.

***The skill test shall be taken on a FFS representing the type of aeroplane or on the aeroplane.***

response *Partially accepted*

Please see the reply to comment 264 above.

comment 5264 comment by: *FOCA Switzerland*

F/ Section 2

FCL.520.A ATPL(A) Skill Test

The possibility to take the ATPL skill test on a simulator is not clearly stated.

FCL 520 A : ATPL (A) - Skill test

Applicants for an ATPL (A) shall pass a skill test in accordance with Appendix 9 to this Part to demonstrate the ability to perform, as a pilot-incommand of a

multi-pilot aeroplane under IFR the relevant procedures and maneuvers with the competency appropriate to the privileges granted.  
*The skill test shall be taken on a FFS representing the type of aeroplane or on the aeroplane.*

response *Partially accepted*

Please see the reply to comment 264 above.

comment

6021

comment by: *British Airways*

Reference to Appendix 9: Appendix 9 is incomplete for Multi Pilot Aeroplanes.

response

*Noted*

Thank you for your comment.

Indeed, when transferring the tables in Appendix 2 to paragraph JAR-FCL 1.240 & 1.295, there was an editorial mistake and items 3.9 to 6.4, related to multi-pilot aeroplanes were not included.

These items will now be added, without any change from the text in JAR-FCL.

**B. Draft Opinion Part-FCL - Subpart F: Airline Transport Pilot Licence - ATPL  
 - Section 3: Specific requirements for the helicopter category - FCL.510.H  
 ATPL(H) - Pre-requisites, experience and crediting**

p. 29

comment

369

comment by: *REGA*

**STATEMENT**

Generally, it is almost impossible for an ATPL(H)-applicant to fulfil the requirements in Central European Countries regarding the 350 hours in multi-pilot [helicopter]. An applicant for an Airline Transport Pilot Licence (Helicopter) is now bound to a very limited number of companies which offer the opportunity to an applicant to gain the required experience in order to receive the ATPL(H)-license.

Note:

The requirements of JAR-FCL 2 are much more demanding compared to the ICAO standards stated in Annex 1, 2.9.1.3. ICAO does not require any actual MCC-experience.

See also the FAA requirements stated in Annex 1

**• 1. OBJECTIVE OF PROPOSAL**

FCL.510.H

Change the requirement of 350 hours in multi-pilot [helicopter].

Variant 1

No required hours in multi-pilot [helicopter]. Only MCC(H) course according to JAR.

Variant 2:

350 hours in multi-pilot aircraft whereas hours gained as flight instructor in single-pilot helicopters can be attributed.

Experience gained in helicopter operations with an approved HEMS- crew-concept can be attributed towards the 350 hours multi-pilot requirement.[1]

**•2. SCALE OF THE ISSUE (Aviation sectors affected (number of aircraft, organizations, persons))**

Affected are all operators of helicopters which operate aircraft that need to be flown by ATPL(H)-rated helicopter pilots.

Operations requiring an ATPL(H)-license are stated in: JAR-OPS 3, §3.940, §3.960, see Annex 1.

**•3. IMPACT**

**•3.1. SAFETY IMPACT**

No known negative impact on safety. Safety will be increased since more pilots will get additional training and knowledge in order to be able to get an ATPL(H)-licence.

**•3.2. OTHER IMPACTS (Environmental, social, harmonization, aviation requirements outside EASA scope, issues of equity & fairness)**

The proposed changes would allow pilots in all affected countries to get the same level of education and, consequently, would enable the holders of an ATPL(H)-licence to have equal chances in Europe regarding their job opportunities.

**•4. PROPOSED TEXT**

**Variant 1**

JAR-FCL 2.280 Experience and crediting

*(a) An applicant for an ATPL(H) shall have completed as a pilot of helicopters at least 1 000 hours of flight time (see also JAR-FCL 2.050(a)(3)) of which a maximum of 100 hours may have been completed in a STD, of which not more than 25 hours in a FNPT, including at least:*

*(1) (i) 250 hours either as pilot-in command or at least 100 hours as pilot-in command and 150 hours as co-pilot performing, under the supervision of the pilot-in-command, the duties and functions of a pilot-in-command, provided that the method of supervision is acceptable to the Authority; or*

[...]

**Variant 2**

JAR-FCL 2.280 Experience and crediting

*(a) An applicant for an ATPL(H) shall have completed as a pilot of helicopters at least 1 000 hours of flight time (see also JAR-FCL 2.050(a)(3)) of which a maximum of 100 hours may have been completed in a STD, of which not more than 25 hours in a FNPT, including at least:*

*(1) 350 hours in multi-pilot helicopter whereas hours as flight instructor in single-pilot helicopters and hours in helicopter operations with an approved HEMS [1] crew concept can be attributed.*

[...]

**•5. JUSTIFICATION**

See §4, DESCRIPTION OF PROBLEM

The proposed change of text will allow applicants in all countries which introduced JAR-FCL 2 to get an ATPL(H)-license with justifiable efforts and, consequently, would support the "Freedom to choose an occupation and right to engage in work" as stated in the Charter of Fundamental Rights of the European Union, Article 15.

Furthermore, the change would bring the requirements for an ATPL(H)-license

to a justifiable level in respect to the general principle of proportionality which is a basic principle of the European Union's law. The principle of proportionality states that "the extent of the action must be in keeping with the aim pursued".

[1] Example: In accordance with JAR -OPS 3, Appendix 1 to JAR OPS 3.005 d, the crew composition for a day operation is a pilot and a HEMS Crew Member (HCM). For night operations and in specific geographical areas defined in the OM the two pilot crew requirement may be reduced to a pilot and a HEMS Crew Member. The duties of a HEMS Crew Member are described in Appendix 1 to JAR-OPS 3, 3.005 d (2) and the HEMS Crew Member is trained as recommended.

Based on the duties and the described Crew Coordination Concept, the HEMS Crew Member acts as a "non flying pilot". Therefore, we consider that after attending MCC course with HCM and Pilot the experienced gained in such operation (?) should be counted towards the 350hrs Multi Pilot experience.

response *Not accepted*

In accordance with the ToRs for this task, the Agency follows closely Subpart G of JAR-FCL 2 and has taken over the requirements from paragraph JAR-FCL 2.280.

Your proposal represents a change from the text of JAR-FCL that would have to be considered carefully, probably in a separate rulemaking task.

comment 561

comment by: *Rod Wood*

(b)(4) and (5) 30 hours IF should be increased to at least 50, 100 hours of night flight should be reduced to 50. Night hours can take years to accumulate. In my case it forms only 6% of my total flying!

response *Not accepted*

In accordance with the ToRs for this task, the Agency follows closely Subpart G of JAR-FCL 2 and has taken over the requirements from paragraph JAR-FCL 2.280.

Your proposal represents a change from the text of JAR-FCL that would have to be considered carefully, probably in a separate rulemaking task.

comment 981

comment by: *CAA Belgium*

- There is nothing foreseen for ATPL(H) with IR(H) included. Does this mean that for helicopters the ATPL and IR theoretical knowlegde have always to be passed separately ?
- (a) imposes to have received "instruction in multi-crew co-operation VFR". Question: does this mean that MCC instruction IFR will not be accepted ?

response *Noted*

The ATPL and IR theoretical knowlegde do not always have to be passed separately (see appendix 2).

The Agency follows closely Subpart G of JAR-FCL 2 and has taken over the privileges from paragraph JAR-FCL 2.280. Nothing has changed from the wording of this paragraph.

Concerning the second part of your comment: The text of paragraph FCL.510.H (a) will be amended: (a) hold a CPL(H) and a multi-pilot helicopter type rating.

comment

1603

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

### STATEMENT

Generally, it is almost impossible for an ATPL(H)-applicant to fulfill the requirements in Central European Countries regarding the 350 hours in multi-pilot [helicopter]. An applicant for an Airline Transport Pilot Licence (Helicopter) is now bound to a very limited number of companies which offer the opportunity to an applicant to gain the required experience in order to receive the ATPL(H)-license.

#### Note:

The requirements of JAR-FCL 2 are much more demanding compared to the ICAO standards stated in Annex 1, 2.9.1.3. ICAO does not require any actual MCC-experience.

See also the FAA requirements stated in Annex 1

### 1. OBJECTIVE OF PROPOSAL

FCL.510.H

Change the requirement of 350 hours in multi-pilot [helicopter].

#### Variant 1

No required hours in multi-pilot [helicopter]. Only MCC(H) course according to JAR.

#### Variant 2:

350 hours in multi-pilot aircraft whereas hours gained as flight instructor in single-pilot helicopters can be attributed.

Experience gained in helicopter operations with an approved HEMS- crew-concept can be attributed up to 75% towards the 350 hours multi-pilot requirement.[1]

### 2. SCALE OF THE ISSUE (Aviation sectors affected (number of aircraft, organizations, persons))

Affected are all operators of helicopters which operate aircraft that need to be flown by ATPL(H)-rated helicopter pilots.

Operations requiring an ATPL(H)-license are stated in: JAR-OPS 3, §3.940, §3.960, see Annex 1.

### 3. IMPACT

#### 3.1. SAFETY IMPACT

No known negative impact on safety. Safety will be increased since more pilots will get additional training and knowledge in order to be able to get an ATPL(H)-licence.

#### 3.2. OTHER IMPACTS (Environmental, social, harmonization, aviation requirements outside EASA scope, issues of equity & fairness)

The proposed changes would allow pilots in all affected countries to get the same level of education and, consequently, would enable the holders of an ATPL(H)-licence to have equal chances in Europe regarding their job

opportunities.

#### 4. PROPOSED TEXT

##### **Variant 1**

FCL.510.H ATPL(H) - Pre-requisites, experience and crediting

(a) *hold a CPL(H) and....*

(b) *have completed as a pilot of helicopters a minimum of 1 000*

*hours of flight time of which a maximum of 100 hours may have been completed in a STD, of which not more than 25 hours in a FNPT, including at least:*

(1) (i) *250 hours as pilot-in command; or*

(ii) *100 hours as pilot-in-command and....*

[...]

##### **Variant 2**

FCL.510.H ATPL(H) - Pre-requisites, experience and crediting

(a) *hold a CPL(H) and....*

(b) *have completed as a pilot of helicopters a minimum of 1 000*

*hours of flight time of which a maximum of 100 hours may have been completed in a STD, of which not more than 25 hours in a FNPT, including at least:*

(1) *350 hours in multi-pilot helicopter whereas hours as flight instructor in single-pilot helicopters and hours in helicopter operations with an approved HEMS[1] crew concept can be attributed.*

[...]

#### 5. JUSTIFICATION

The proposed change of text will allow applicants in all countries which introduced JAR-FCL 2 to get an ATPL(H)-license with justifiable efforts and, consequently, would support the "Freedom to choose an occupation and right to engage in work" as stated in the Charter of Fundamental Rights of the European Union, Article 15.

Furthermore, the change would bring the requirements for an ATPL(H)-license to a justifiable level in respect to the general principle of proportionality which is a basic principle of the European Union's law. The principle of proportionality states that "the extent of the action must be in keeping with the aim pursued".

[1] Example: In accordance with JAR -OPS 3, Appendix 1 to JAR OPS 3.005 d, the crew composition for a day operation is a pilot and a HEMS Crew Member (HCM). For night operations and in specific geographical areas defined in the OM the two pilot crew requirement may be reduced to a pilot and a HEMS Crew Member. The duties of a HEMS Crew Member are described in Appendix 1 to JAR-OPS 3, 3.005 d (2) and the HEMS Crew Member is trained as recommended.

Based on the duties and the described Crew Coordination Concept, the HEMS Crew Member acts as a "non flying pilot". Therefore, we consider that after attending MCC course with HCM and Pilot the experienced gained in such operation (?) should be counted towards the 350hrs Multi Pilot experience.

response

*Not accepted*

Please see the reply to comment 369 above.

comment

2332

comment by: *AECA(SPAIN)*

Extend the theoretical knowledge validity period for issue of an IR to 7 years,

proposed amendment below:

(1)(ii) for the issue of a commercial pilot licence ~~or instrument rating~~, for a period of 36 months, **or for the issue of an instrument rating for a period of 7 years;**

Justification:

If aiming for a career in multi-pilot IFR operations, many pilots will complete the ATP/IR theory exams as part of their initial CPLH training. Due to the high cost of helicopter training and IR course availability, they may not be able to progress to an IR(H) within the 3 year theoretical knowledge acceptance period and will therefore need to pass the IR theory exams again. In our view this is unnecessary since the IR course covers the practical elements of IR theory during the ground instruction and briefings associated with the course. In addition, ATP theory is considered valid for 7 years, and IR theory is valid for 7 years where the IR has not been renewed for that period.

response

*Not accepted*

In accordance with the ToRs for this task, the Agency follows closely Subpart G of JAR-FCL 2 and has taken over the requirements from paragraph JAR-FCL 2.280.

Your proposal represents a change from the text of JAR-FCL that would have to be considered carefully, probably in a separate rulemaking task.

comment

2333

comment by: *AECA(SPAIN)*

What is requirement to remove multi-pilot restriction. If it is 100 hours PIC then (b)(2)(iii) Amend as follows:

In this case, the ATPL(H) privileges shall be limited to multi-pilot operations only **until 100 hours PIC have been completed.**

Justification:

Stop pointless paperwork, as it maybe only be as little as 1 hour as PIC to remove the restriction.

response

*Accepted*

Thank you for your comment.

The text will be amended accordingly.

comment

3494

comment by: *SHA Guido Brun*

Statement: many countries have a mostly single engine helicopter environment. There are no possibilities to gain 350 hrs multi crew experience. We need to make sure that the training is adequate and reduce the pre-requisites. It is preferable to have more pilots undergoing ATPL training.

Proposal: (b) (1) to be replaced by 50 hrs PIC under supervision in multi pilot helicopters

(b) (2) to be deleted

(b) (4) 10 hrs of instrument time of which not more than 5 hours may be instrument ground time

(b) (5) 30 hours of night flight as pilot in command or as co pilot

response *Not accepted*

The Agency follows closely Subpart G of JAR-FCL 2 and has taken over the requirements from paragraph JAR-FCL 2.280.

Your comment could be a proposal for a future rulemaking task.

comment 3832 comment by: *Luftfahrt-Bundesamt*

FCL.510.H:  
 With regard to issuing an ATPL(H), how will a licensing authority make sure that the applicant has the required flight time experience on multi pilot helicopters in case of pilots who did not exercise their privileges exclusively under the responsibility of an AOC holder operating the relevant helicopter type(s) with multi pilot flight crews? Since EASA did not designate any definite criteria, such an important decision will be up to the national authorities. In conclusion, unless EASA does not come up with a definite list of multi pilot helicopters for licensing purposes the level playing field is at stake. The definition of a multi pilot helicopter is far too ambiguous; lots of helicopters that could be used in multi pilot operation might even be defined as single pilot helicopters according to the definition of single pilot helicopters given in FCL.010 in conjunction with the certification specification. Please also note our comments on FCL.010.

response *Noted*

The definition of 'multi-pilot helicopter' follows the definition given in paragraph JAR-FCL 2.001.

See also the reply to your comment to paragraph FCL.010.

comment 4401 comment by: *Bond Offshore Helicopters*

(a) hold a CPL(H) and a multi-pilot helicopter type rating ~~and have received instruction in multi crew co-operation VFR~~

Justification:  
 To be issued a multi pilot helicopter rating you must have received MCC training or have 500 hours multi-pilot operations so where is the justification for further training?

response *Accepted*

Thank you for your comment.

The text will be amended accordingly.

comment 4402 comment by: *Bond Offshore Helicopters*

What is requirement to remove multi-pilot restriction. If it is 100 hours PIC then (b)(2)(iii) Amend as follows:  
 In this case, the ATPL(H) privileges shall be limited to multi-pilot operations only **until 100 hours PIC have been completed.**

Justification:  
 Stop pointless paperwork, as it maybe only be as little as 1 hour as PIC to

	remove the restriction.
response	<i>Accepted</i> Please see the reply to comment 2333 above.
comment	4642 <span style="float: right;">comment by: <i>Héli-Union</i></span> (a) hold a CPL(H) and a multi-pilot helicopter type rating <del>and have received instruction in multi-crew co-operation VFR</del>  Justification: To be issued a multi pilot helicopter rating you must have received MCC training or have 500 hours multi-pilot operations so where is the justification for further training?
response	<i>Accepted</i> Thank you for your comment.  The text will be amended accordingly.
comment	4643 <span style="float: right;">comment by: <i>Héli-Union</i></span> What is requirement to remove multi-pilot restriction. If it is 100 hours PIC then (b)(2)(iii) Amend as follows: In this case, the ATPL(H) privileges shall be limited to multi-pilot operations only <b>until 100 hours PIC have been completed.</b>  Justification: Stop pointless paperwork, as it maybe only be as little as 1 hour as PIC to remove the restriction.
response	<i>Accepted</i> Please see the reply to comment 2333 above.
comment	4855 <span style="float: right;">comment by: <i>HUTC</i></span> (a) hold a CPL(H) and a multi-pilot helicopter type rating <del>and have received instruction in multi-crew co-operation VFR</del>  Justification: To be issued a multi pilot helicopter rating you must have received MCC training or have 500 hours multi-pilot operations so where is the justification for further training?
response	<i>Accepted</i> Please see the reply to comment 4642 above.
comment	4856 <span style="float: right;">comment by: <i>HUTC</i></span> What is requirement to remove multi-pilot restriction. If it is 100 hours PIC then (b)(2)(iii) Amend as follows: In this case, the ATPL(H) privileges shall be limited to multi-pilot operations

	<p>only <b>until 100 hours PIC have been completed.</b></p> <p>Justification: Stop pointless paperwork, as it maybe only be as little as 1 hour as PIC to remove the restriction.</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 3223 above.</p>
comment	<p><b>5313</b> <span style="float: right;">comment by: <i>Icelandic CAA</i></span></p> <p>The reference to multi-pilot helicopters is not clear since this is not defined in the most recent helicopter type rating list.</p> <p><a href="http://easa.europa.eu/ws_prod/c/doc/List_of_Helicopters.pdf">http://easa.europa.eu/ws_prod/c/doc/List_of_Helicopters.pdf</a>.</p> <p>Furthermore definition of Multi-Pilot helicopters is not in FCL.010 as found in JAR-FCL 2.001:</p> <p><i>"A type of helicopter that is required to be operated with a co-pilot as specified in the flight manual or by the air operator certificate or equivalent document."</i></p>
response	<p><i>Noted</i></p> <p>The definition of Multi-pilot aircraft, as found in paragraph JAR-FCL 2.001, is now a part of the definition Multi-pilot aircraft under paragraph FCL.010 Definitions of Subpart A, General Requirements of Part-FCL.</p> <p>The text is as follows: 'In the case of <b>helicopters</b>, airships and poweredlift aircraft, means a type of aircraft that is required to be operated with a copilot as specified in the flight manual or by the air operator certificate or equivalent document.'</p>
comment	<p><b>5410</b> <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>With regard to issuing an ATPL(H), how will a licensing authority make sure that the applicant has the required flight time experience on multi pilot helicopters in case of pilots who did not exercise their privileges exclusively under the responsibility of an AOC holder operating the relevant helicopter type(s) with multi pilot flight crews? Since EASA did not designate any definite criteria, such an important decision will be up to the national authorities. In conclusion, unless EASA does not come up with a definite list of multi pilot helicopters for licensing purposes the level playing field is at stake. The definition of a multi pilot helicopter is far too ambiguous; lots of helicopters that could be used in multi pilot operation might even be defined as single pilot helicopters according to the definition of single pilot helicopters given in FCL.010 in conjunction with the certification specification. Please also note our comments on FCL.010.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 5313 above.</p> <p>See also the reply on your comment on paragraph FCL.010.</p>
comment	<p><b>6291</b> <span style="float: right;">comment by: <i>DCAA</i></span></p>

response	<p>It shall be defined which MP-helicopters are acceptable</p> <p><i>Noted</i></p> <p>Please see the reply to comment 5313 above.</p>
comment	<p>7105 comment by: <i>CHC Europe EASA Ops Team - representing 550 pilots across Europe</i></p> <p>(a) hold a CPL(H) and a multi-pilot helicopter type rating <del>and have received instruction in multi-crew co-operation VFR</del></p> <p>Justification: To be issued a multi pilot helicopter rating you must have received MCC training or have 500 hours multi-pilot operations so where is the justification for further training?</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 4642 above.</p>
comment	<p>7108 comment by: <i>CHC Europe EASA Ops Team - representing 550 pilots across Europe</i></p> <p>What is requirement to remove multi-pilot restriction. If it is 100 hours PIC then (b)(2)(iii) Amend as follows: In this case, the ATPL(H) privileges shall be limited to multi-pilot operations only <b>until 100 hours PIC have been completed.</b></p> <p>Justification: Stop pointless paperwork, as it maybe only be as little as 1 hour as PIC to remove the restriction.</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 2333 above.</p>
comment	<p>8073 comment by: <i>HeliAir Ltd</i></p> <p>Couldn't 5000hrs of instructing point to <i>some</i> ability to deal as a commander with a co-pilot?</p> <p>Co-pilots are generally <b>easier</b> to manage than unlicensed pilots surely.</p> <p>CREDIT FOR INSTRUCTIONAL HOURS - against the 350 MPH requirement? (?)</p>
response	<p><i>Noted</i></p> <p>The Agency follows closely Subpart G of JAR-FCL 2 and has taken over the requirement from paragraph JAR-FCL 2.280.</p> <p>Your comment could be a proposal for a future rulemaking task.</p>

comment

454

comment by: *João Duarte*

Dear all,

About this point,

I want to know if it is possible to give theoretical crediting to Aeronautical engineers. An Aeronautical engineer study deeply almost of the matter described in the syllabus. Each matter is taught intensively in the university at least 4 hour per week during 5 months or 1 year plus the home study.

Not being directly possible, this requirement should permit that any aeronautical engineer could send their documentation to their country aviation authority or better to EASA for evaluation, being this authority obligated to do the evaluation and crediting those matters if OK during the evaluation. The authority should also be obligated to publish the results allowing the applicant to comment the evaluation and try a new application for crediting.

The applicant should go throughout an examination also on those matter but without going again to a school spending more money and where they will teach and correct the teachers.

Please comment what is written above.

Best Regards,  
João Duarte  
Aeronautical Engineer

response

*Not accepted*

At this time it is not legaly possible to give theoretical crediting to Aeronautical engineers in Part-FCL. This will be a matter of future rulemaking.

In Appendix 5 under General, number 1, the aim of the MPL integrated course can be found: The aim of the MPL integrated course is to train pilots to the level of proficiency necessary to enable them to operate as co-pilot of a multi-engine multi-pilot turbine-powered air transport aeroplane under VFR and IFR and to obtain an MPL.

The scope of this NPA 2008-17b Part-FCL is to establish the requirements for the issue of pilot licences and associated ratings and certificates and the conditions of their validity and use. This Part-FCL applies not to Aeronautical engineers.

comment

1973

comment by: *Nigel Roche*

As per comment 1970 for FCL.515.A I suggest that a table of hours post theory exams is here for (a) (2) and (b) (1 to 4).

So as to recognise that students who have more recently undertaken exams recently will have retained knowledge.

As the system requires the student to undertake formal training it would be better left to the CGI or HoT to have discretion within guidelines rather than the application of a one size fits all requirement

response	<i>Noted</i> See the respond on your comment 1970 at paragraph FCL.515.A
comment	2845 <span style="float: right;">comment by: <i>PPL/IR Europe</i></span> We repeat our comment in FCL.515.A for FCL.515.H
response	<i>Noted</i> See the respond on your comment 2844 at paragraph FCL.515.A
comment	4736 <span style="float: right;">comment by: <i>CAA Belgium</i></span> FCL.515.H(c) This is assumed to be missing. In corresponding FCL.515.A(c) is the requirement for theoretical knowledge instruction to be completed before the skill test for the ATPL(H) is taken. If that is the case, then next question is should this also include the theoretical examinations to be completed and passed before taking the skill test for the ATPL(H)?
response	<i>Noted</i> Subparagraph (c) of paragraph FCL.515.H, concerning the theoretical knowledge instruction, is not missing. This is covered in Subpart A, General Requirements, FCL.030 Practical skill test, under (a), second line: 'In any case, the theoretical knowledge instruction shall always have been completed before the skill tests are taken.' Subparagraph (c) of paragraph FCL.515.A, concerning the theoretical knowledge instruction will be deleted for that reason.  The theoretical knowledge examination is covered in that same paragraph FCL.030 Practical skill test, under (a), in the first line: 'Before a skill test for the issue of a licence, rating or certificate is taken, the applicant shall have passed the required theoretical knowledge examination, except in the case of applicants undergoing a course of integrated flying training.'
comment	6733 <span style="float: right;">comment by: <i>CAA CZ</i></span> Analogical new paragraph (c) should be added like in the case of aeroplanes, as specified in FCL.515.A(c).
response	<i>Noted</i> Please see the reply to comment 4736 above.
comment	6884 <span style="float: right;">comment by: <i>CAA CZ</i></span> FCL.515.H (a)(1) According to Appendix 1 to JAR-FCL 2.285 requirements for entering the course ATPL(H) with a PPL issued in accordance with ICAO Annex 1 should be added: "... a PPL(H) <b>issued in accordance with ICAO Annex 1: 550 hours</b> "
response	<i>Accepted</i> Thank you for your comment.

The text will be amended accordingly (and also in FCL.515.A).

comment **6885** comment by: *CAA CZ*

FCL.515.H (b)(1)

According to Appendix 1 to JAR-FCL 2.285, requirements for entering the course ATPL(H)/IR with a PPL issued in accordance with ICAO Annex 1 should be added:

"... a PPL(H) **issued in accordance with ICAO Annex 1: 650 hours**"

response *Noted*

Please see the reply to comment 6884 above.

comment **6912** comment by: *ECA- European Cockpit Association*

Comment:

The hours in relation to the reductions set out in JAR are wrong. Change text as follows:

(b) Applicants for an ATPL(H)/IR that complete their theoretical knowledge instruction at a modular course shall hold at least a PPL(H) and complete at least the following hours of instruction within a period of 18 months:

(1) for applicants holding a PPL(H): 650 hours;

(2) for applicants holding a CPL(H): ~~400~~**450** hours;

(3) for applicants holding an IR(H): 500 hours;

(4) for applicants holding a CPL(H) and an IR(H): ~~250~~**300** hours.

Justification:

It is unacceptable a larger reduction of the training hours, when reality shows that these are minimum hours that, in many cases, show themselves as insufficient to properly train the students in all the subjects.

response *Not accepted*

The hours in relation to the reductions set out in JAR are not wrong.

The text is in line with the draft NPA-FCL 34. This draft NPA-FCL 34 has amended paragraph 2 of Appendix 1 to JAR-FCL 2.285, ATPL(H) – Modular theoretical knowledge course.

NPA 2008-17a, Appendix I – Explanatory Note, number 40 (page 15) indicates the following: 'Additionally, even though the latest amendments of JARFCL 1, 2 and 3 were taken as a basis for the development of the draft implementing rules, NPAs that were in an advanced phase of adoption in the JAA system were introduced in the present NPA'. In note 30 there is written: 'Draft NPA's FCL 33, 34 and 36 were inserted in the present NPA.'

comment **7025** comment by: *CAA Norway*

FCL.515.H(c)

This is assumed to be missing. In corresponding FCL.515.A(c) is the requirement for theoretical knowledge instruction to be completed before the skill test for the ATPL(H) is taken. If that is the case, then next question is should this also include the theoretical examinations to be completed and passed before taking the skill test for the ATPL(H)?

response

*Noted*

Please see the reply to comment 4736 above.

comment

8077

comment by: *Helicopter Ltd*

NO NO NO

you cannot require **everyone** to do that HUGE number of hours without establishing whether they actually need that many hours additional ground instruction.

What if they have **already taken these exams** (and their equivalents ... ) 4 times before (like I have - never failing one!)

It is elegant - but blunt and could be very inappropriate ...

You CANNOT seriously require me to do ANOTHER **500hrs** of ground school .!?!?!?!?!?

(10,000 hrs , FAA IR IRI, UK ATPL, IR, TRI, FE, TRE and multiple exam exposure - 500 more hours of ground school? )

Re-think required - this applies to all the BLUNT requirements throughout - there must be some mechanism for judgment of "AS REQUIRED".

the phrase: "TRAINING AS REQUIRED" needs to be examined... !

response

*Noted*

The text is in line with the draft NPA-FCL 34. This draft NPA-FCL 34 has amended paragraph 2 of Appendix 1 to paragraph JAR-FCL 2.285, ATPL(H) – Modular theoretical knowledge course.

NPA 2008-17a, Appendix I – Explanatory Note, number 40 (page 15) indicates the following: 'Additionally, even though the latest amendments of JAR-FCL 1, 2 and 3 were taken as a basis for the development of the draft implementing rules, NPAs that were in an advanced phase of adoption in the JAA system were introduced in the present NPA'. In note 30 there is written: 'Draft NPA's FCL 33, 34 and 36 were inserted in the present NPA.'

**B. Draft Opinion Part-FCL — Subpart F: Airline Transport Pilot Licence — ATPL — Section 3: Specific requirements for the helicopter category — FCL.520.H ATPL(H) — Skill test** p. 30

comment

1974

comment by: *Nigel Roche*

"Applicants for an ATPL(H) shall pass a skill test in accordance with Appendix 9"

I would suggest for clarity that this is reworded to read:

"Applicants for the issue of an ATPL(H) licence shall pass a skill test in accordance with Appendix 9"

response

*Not accepted*

The wording 'Applicants for an ....' (PPL, CPL, MPL, ATPL etc) is used in the entire Part-FCL. This is also the wording in the JAR-FCL. There is no reason for clarity to change that in this paragraph.

comment 3343 comment by: DGAC FRANCE

FCL. 520. H

The possibility to take the ATPL skill test on a simulator is not clearly stated.

FCL.520.H:ATPL(H) –Skill test

Applicants for an ATPL (H) shall pass a skill test in accordance with Appendix 9 to this Part to demonstrate the ability to perform, as a pilot-in-command of a multi-pilot helicopter the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.

**The skill test shall be taken on a FFS representing the type of helicopter or on the helicopter.**

response Partially accepted

The fact that the skill test can be taken in a simulator is already clear from the text of Appendix 9. However, for clarification purposes, and as you suggest, the text will be amended to indicate that the skill test can be taken either in the aeroplane or in an adequately qualified FFS representing the type of aeroplane.

comment 3833 comment by: Luftfahrt-Bundesamt

FCL.520.H

How shall an authority decide on which type and by which TRE(H) the ATPL(H) skill test has to be performed, when there is only a list of multi engine helicopters available? For an authority the type alone might probably not be a sufficient indication because in almost every case the helicopter type will also be suitable for single pilot operation. The helicopter type might even be defined as a single pilot helicopter according to FCL.010 in conjunction with the certification specification. We suggest to change the requirement of a multi pilot helicopter into a multi-engine helicopter or to provide a definite list of multi pilot helicopters for licensing purposes, otherwise the definition for a multi pilot helicopter given in FCL.010 allows for as much policies, methods and procedures as there are authorities (despite all of EASA's intentions to provide a level playing field).

See our comments on FCL.010.

response Noted

The definition of Multi-pilot aircraft, as found in paragraph JAR-FCL 2.001, is now a part of the definition Multi-pilot aircraft under paragraph FCL.010 Definitions of Subpart A, General Requirements of Part-FCL.

The text is as follows: 'In the case of **helicopters**, airships and powered lift aircraft, means a type of aircraft that is required to be operated with a co-pilot as specified in the flight manual or by the air operator certificate or equivalent document.'

Please see also the reply to your comment in paragraph FCL.010.

comment	<p>5268 <span style="float: right;">comment by: FOCA Switzerland</span></p> <p>F/ Section 3</p> <p>FCL.520.H ATPL(H) - Skill Test</p> <p>The possibility to take the ATPL skill test on a simulator is not clearly stated.</p> <p>FCL.520.H:ATPL(H) –Skill test  Applicants for an ATPL (H) shall pass a skill test in accordance with Appendix 9 to this Part to demonstrate the ability to perform, as a pilot-incommand of a multi-pilot helicopter the relevant procedures and manoeuvres with the competency appropriate to the privileges granted.  <i>The skill test shall be taken on a FFS representing the type of helicopter or on the helicopter.</i></p>
response	<p><i>Partially accepted</i></p> <p>Please see the reply to comment 3343 above.</p>

comment	<p>5412 <span style="float: right;">comment by: CAA Belgium</span></p> <p>How shall an authority decide on which type and by which TRE(H) the ATPL(H) skill test has to be performed, when there is only a list of multi engine helicopters available? For an authority the type alone might probably not be a sufficient indication because in almost every case the helicopter type will also be suitable for single pilot operation. The helicopter type might even be defined as a single pilot helicopter according to FCL.010 in conjunction with the certification specification. We suggest to change the requirement of a multi pilot helicopter into a multi-engine helicopter or to provide a definite list of multi pilot helicopters for licensing purposes, otherwise the definition for a multi pilot helicopter given in FCL.010 allows for as much policies, methods and procedures as there are authorities (despite all of EASA's intentions to provide a level playing field).  See our comments on FCL.010.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3833 above.</p>

comment	<p>6888 <span style="float: right;">comment by: CAA CZ</span></p> <p>Regarding the definition in FCL.001 it is difficult to determine which type of helicopter is considered as multi-pilot, because unlike multi-pilot aeroplanes, multi-pilot helicopter is considered as multi-pilot according to Aircraft Flight Manual or AOC.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3833 above.</p>

<b>B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR</b>
----------------------------------------------------------------------

p. 31
-------

comment	<p>523 <span style="float: right;">comment by: Christian Befeld</span></p> <p><b><u>IR-Rating (PPL-IR):</u></b></p>
---------	---------------------------------------------------------------------------------------------------------------------

Referring the PPL-Licence item I like to suggest making the education for an IFR-Rating (PPL-IR) less difficult as it is in the moment. Only 4-6% of the German PPL licences are upgraded to an IR rating. To improve the general aviation, by using piston engine powered aircrafts below 2000kg MTOW to an accepted and interesting logistic solution beside cars and railway in business it is recommended to simplify these regulations. My opinion is that it should be more attractive by cost and complexity reasons to achieve a PPL-IR rating.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 922

comment by: *Rory OCONOR*

I am not sure where cloud flying in gliders fits in, but it is safe, fun and enjoyable. Most tend to use incremental mainly self-taught approaches. I did do an SEP(IMC) rating, as an already experienced cloud-flying glider pilot.

I consider that there is very limited cross-over between the skills requirements for SEP(IMC) and glider cloud-flying.

The ability to fly in non-VFR conditions (not necessarily complete IFR) are pretty essential for any safe, long distance cross-country glider flying in the British weather.

There are many degrees of non-VFR flight in gliders from let-down after wave flying, flying in visible conditions close to clouds, flying through clouds for a few secs to few mins, to substantive 10,000ft climbs in large Cu.

Some elements may require instruction, but as with most gliding such as efficient thermalling technique, good cloud flying technique normally requires many hours of solo practice.

Glider pilots should still be allowed to cloud fly. If they have the basic instruction in the issues, particularly recovery manoeuvres and options for exiting clouds, then their own instinct for self-preservation should be the best limit to the extent of their cloud-flying.

response *Noted*

Please see the reply to comment 523 above.

comment 1758

comment by: *Joachim Werner*

Dear Sir or Madam,

I deeply regret that in the EU the IR is strongly connected to advanced licenses. In Germany less than 5% of the PPL-holders have IR, in the US over 50% do have this rating (PPL -and CPL-pilots who fly privately). If security in the civil aviation is a real objective, IR training for PPL holders should be facilitated. However, it is clear at the moment this will not work with our gas prices (extra tax for the aviation), our over-inflated administration and dispensable rules. In Germany the weather is usually not caviar, so that more or less often bad weather is bursting into one's flight and pilots have to get through this with deficient training. Fact is, that here more pilots fly VFR under IMC than in the States. I love to fly in the US, where flying has the safety level we are dreaming of, but only dreaming. Even if you are on the way with VFR in the US you have the option for "Flight Following" here we only have Traffic Information, which is unreliable since controllers often give insufficient feedback because of high work load (in Bremen Info controllers are usually busy and reject Traffic Info; on the other hand compare e.g. the SoCal Area in California to have an example of **real** business!).

Why to "reinvent the wheel again", the US private aviation works perfectly but I would prefer **to leave my German money in Germany and not in the US if that is in the EU sense too?** I have some German colleagues, who only fly in the US because to them even the present rules are too restrictive and considering the amendments these people will become more numerous.

"The probability that a noncommercial pilot, under VFR, could infringe airspace limits and penetrate in volumes of airspace (Classes A, B, C or D) without prior ATC clearance, needs to be controlled". Explicit consent! Yes, by all means! Most reliable step would be a tailored Instrument Rating for PPL. Or, at the very least, at sensible areas mandatory "Flight Following".

Proposal and real improvement: Similar to the US IFR rules establish an IR which is tailored to the needs of a private pilot and thus attractive so that people are not tempted furthermore to fly VFR under bad weather conditions. An IR for PPL is overdue and would be a real milestone concerning aviation safety. **AOPA is pleading for this since years!**

response *Noted*

Please see the reply to comment 523 above.

comment *1936*

comment by: *ThomasDOVE*

This section implies that the current UK IMC Rating will no longer be allowed. For a private pilot such as myself the "IR" as described is simply too much time (away from work) and too much cost. I have an IMC rating and in my opinion not allowing this to continue would have the effect that safety is considerably compromised for those pilots that currently have this rating. Current holders of the IMC Rating (myself included) take great care in ensuring that our instrument skills are current and correct. For myself, I practice instrument approaches at least a few a month and get myself refreshed with an instrument instructor every 6 months. Clearly I am able to do this fully legally. The result is that I am confident and competent to fly in instrument conditions and do instrument approaches. Any pilot can get caught out by the weather; having current instrument skills gives the IMC Rated pilot the proficiency needed to land safely.

If the IMC Rating was stopped, the fact is that I along with thousands of others could not routinely practice our instrument skills, so would inevitably become out of practice.  
 This would inevitably compromise safety on the times when caught out by the weather.  
 The UK accident statistics speak for themselves: how many accidents have been attributable to a current IMC-rated pilot suffering loss of control in instrument conditions in the past 30 years or so the rating has been in effect?  
 As far as I am aware there has not been a single such accident.

response *Noted*

Please see the reply to comment 523 above.

comment

2027

comment by: *Eduard WISMETH*

Instrument Rating

Situation

According LBA-information, the Instrument Rating is linked to the type aircraft category flown during IFR.

A pilot qualified on both, airplanes and helicopters, has to obtain a separate instrument licence for each aircraft category. This does not make sense. I could not find any clarifying answers to this so far.

I have asked AOPA to confirm my opinion. No answer.

I have asked my experienced and obviously competent aviators without coming to a clear answer, and even the LBA said only: "this is the way it is", without being able or willing to explain their not convincing position.

Proposal

In the area of instrument flying I propose to see things as modules:

- a) Instrument Rating, it confirms that a pilot is qualified and authorized to fly under IMC in accordance with published IFR-rules and procedures.

These rules have no influence on the type aircraft flown.

- b) Aircraft user, it may be an airplane of any type, a helicopter of any type, but it must be quipped and certified for operating under IFR.
- c) Type of aircraft has nothing to do with IFR-rules and procedures. Different demands for a pilot (A340 / C172) are only caused by aircraft types and are a matter of type qualification only.
- d) Pilot, he must be fully qualified on the aircraft he is using, and he must have an Instrument Rating.
- e) IF-Rules and Procedures are the same for all users of the IFR-System. They equally apply to all users and do not contain different rules for various aircraft categories.
- f) Logically, the same IF-Rating must therefore be valid for all IFR-participants, regardless of aircraft category, as long as the pilot uses an aircraft he is qualified to fly and which he is certified for IFR.

Request

I request that this matter be clearly described, defined and its result be published.

	<p>Impact and improvement  There seems to be an equal need for clarification to Aviation Authorities and aviators. A considerable amount of money, time, and effort for multiple IFR-Ratings would not be wasted any longer.  More pilots could use the one IR they have, more instrument flying would be possible.</p>
response	<p><i>Not accepted</i></p> <p>In JAR-FCL 1 and 2, as in Annex 1 to the Convention on International Civil Aviation (ICAO), the IR is linked to a specific aircraft category.</p> <p>In fact, this is linked to the syllabus of the training necessary which includes, for instance, navigation training and operational procedures that are linked to the aircraft category. The same thing for the skill test for the issuance of the rating (please see paragraphs 2.7.1.1 and 2.7.1.2 of ICAO Annex I as well as Subparts E of JAR-FCL 1 and 2.</p> <p>At this moment, the Agency sees no reason for changing this, which would imply the notification of a difference to ICAO.</p>
comment	<p><b>2058</b> <span style="float: right;">comment by: <i>Thomas SIEWERT</i></span></p> <p>Allgemein zu FCL.600 IR</p> <p>Die Kommission hob in ihrer Agenda hervor, dass die Allgemeine Luftfahrt eine bedarfsspezifische, flexible und punktgenaue Beförderung gewährleistet und die Mobilität und die Produktivität von Unternehmen verbessern kann. Leider hat der vorliegende Entwurf wesentlich mehr Nachteile gebracht als geeignete Möglichkeiten, den oben angeführten Status der GA zu halten oder gar noch zu verbessern.</p> <p>Dies wäre z. B. durch die Definition und Einführung eines praxisorientierten PPL-IR möglich gewesen. In den Ausbildungsrichtlinien läuft wieder alles auf die CPL-Standards hinaus ...</p> <p>Die Chance hierfür sollte genutzt werden. So wäre die Einführung eines "PPL-IR" sicherlich sinnvoll, der sich z. B. an dem bislang in den USA erteilten IR orientieren könnte. Bestünde eine derartige Regelung, wäre die Verlockung zum Erwerb eines US-IFR mit anschließender Anerkennung/Umschreibung weit geringer.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 523 above.</p>
comment	<p><b>2080</b> <span style="float: right;">comment by: <i>Markus Hitter / JAR-Contra</i></span></p> <p>We read your comment (48., p. 29) in NPA 2008-17a regarding cloud flying of sailplanes and look forward to see this implemented. Cloud flying is a substantial part of sailplane aviation and effectively disallowing this activity by requesting a full or near full IFR rating for it would be a severe set back.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your positive feedback.</p> <p>Please see the reply to comment 523 above.</p>

comment	<p data-bbox="352 237 427 280">2704</p> <p data-bbox="1007 237 1445 280">comment by: <i>Claudia Steinbach</i></p> <p data-bbox="352 297 1437 683">Dear Sir or Madam, the instrument rating for PPL holders is the blind spot of the EU, despite the overwhelming success in the US. Half of the private US pilots have IFR which really means safety. In germany there are a lot of prejudices, mainly centered about the air being too crowded, which is absolutely wrong, except for some regions around busy airports. You can cross from north to south or west to east in germany and meet only a very few number of airplanes, sometimes none! The reality is that e.g. in germany a lot of VFR flights are conducted in IMC. In the US this situation will get you in real problems. But de facto it is no factor, because if one doesn't have IFR yet and the weather is below minimum, one will not fly. Proposal: A tailored IFR for PPL is overdue!</p>
response	<p data-bbox="352 694 438 739"><i>Noted</i></p> <p data-bbox="352 757 957 801">Please see the reply to comment 523 above.</p>
comment	<p data-bbox="352 857 427 900">2750</p> <p data-bbox="464 857 1445 922">comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p data-bbox="352 940 1437 1008">FFA points out the need for establishing a simplified instrument rating for PPL holders flying on non complex aeroplanes with a class 2 medical certificate.</p> <p data-bbox="352 1030 1437 1131">Consequently, FFA fully supports the Agency and the "qualifications for flying in IMC rulemaking group" recently set up, in their efforts to find and propose adapted rules for that specific need.</p>
response	<p data-bbox="352 1142 438 1187"><i>Noted</i></p> <p data-bbox="352 1209 734 1243">Thank you for your support.</p> <p data-bbox="352 1265 957 1310">Please see the reply to comment 523 above.</p>
comment	<p data-bbox="352 1355 427 1400">5629</p> <p data-bbox="1062 1355 1445 1400">comment by: <i>Mark Hawkins</i></p> <p data-bbox="352 1422 1437 1489">The ability to continue to fly gliders in or near cloud is vital to the future of the sport of gliding.</p> <p data-bbox="352 1512 1437 1691">When gliders are flying cross country in northern europe when even at the height of summer cloud bases are regularly at heights of typically 3000-4000'. When the local topography rises even just 2-300m this leaves very little airspace in which to operate. Should gliders be restricted to VFR flight only this will further reduce the operating band to an impracticable degree.</p> <p data-bbox="352 1713 1437 1915">Gliders need to be able to operate upto cloud base. If gliders were restricted to remaining clear of cloud, especially if that restriction included remaining clear of cloud horizontally or vertically above 3,000' as per the current VFR rules it would lead to a compression of traffic into a narrow height band. This would place gliders in the same airspace as all other VFR light aircraft resulting in a degradation of flight safety.</p> <p data-bbox="352 1937 1437 2004">Cloud flying in gliders is a long established activity in the United Kingdom that has been regulated by the British Gliding Association with few problems.</p>

response	<i>Noted</i> Please see the reply to comment 523 above.
comment	5637 <span style="float: right;">comment by: <i>Klaus Melchinger</i></span> I've read your comment (48., p. 29) in NPA 2008-17a regarding cloud flying of sailplanes and look forward to see this implemented. Cloud flying is a substantial part of sailplane aviation and effectively disallowing this activity by requesting a full or near full IFR rating for it would be a severe set back.
response	<i>Noted</i> Thank you for providing your positive feedback. Please see the reply to comment 523 above.
comment	7621 <span style="float: right;">comment by: <i>Mike Armstrong</i></span> Page 31 of 647 FCL 600 This is a major restriction on gliding that will have a massive impact on the sport throughout Europe if implemented. In fact it would not be putting it too strongly to suggest that it could lead to the decline of the sport within a few years to the point where it was no longer viable. There must be dispensation for sailplanes to fly up to the base of clouds, around the edges of clouds and above clouds without the requirement for the pilot to hold an IFR rating. The IFR rating is beyond the capacity of many pilots and the majority of sailplane pilots do not wish to actually enter cloud but flying close to cloud does not require the same skill sets as flying in cloud.
response	<i>Noted</i> Please see the reply to comment 523 above.
comment	7766 <span style="float: right;">comment by: <i>Europe Air Sports, VP</i></span> EAS again congratulate the Agency to have FCL.008 rulemaking Task established and already working. We believe the TOR for this group and the composition will finally result in a proposal which will be the balanced combination of easier access to the Instrument Rating for PPL A holders and the avoidance of some accidents due to bad weather conditions. A solution should also be developed to let more aviators participate to fly en-route in IMC and finally, FCL .008 need to develop a solution for cloud flying with sailplanes.
response	<i>Noted</i> Thank you for providing your positive feedback. Please see the reply to comment 523 above.
comment	7893 <span style="float: right;">comment by: <i>David Miller</i></span> I strongly oppose the removal of existing IFR privileges for sailplane pilots. Flying in and close to cloud is essential for cross-country gliding in the UK given our low cloud bases. Removal of this privilege would make cross-country

flying largely impossible and would generally reduce the safety of pilots by reducing their operating band, increasing the number of field landings and add an unnecessary focus on altitude monitoring (unnecessary when not close to controlled airspace).

response *Noted*

Please see the reply to comment 523 above.

comment **8127** comment by: *EPFU is the European Union of national powered flying organisation from the 10 main European countries*

EPFU strongly supports the creation by EASA of the working group on an "IR" and "IMC" rating specifically adapted to PPL(A). We shall wait for the proposition this study group will make in the near future.

response *Noted*

Thank you for providing your positive feedback.

Please see the reply to comment 523 above.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1:  
Common Requirements**

p. 31

comment **2687** comment by: *Trevor HILLS*

FCL.600 states:

"Holders of a pilot licence shall only operate an aircraft under IFR when they hold an instrument rating appropriate to the category of aircraft, except when they are a pilot undergoing skill testing or dual instruction."

Comment:

Limiting flight without IR outside controlled airspace to VFR is too restrictive—for example it removes existing privileges of flight within 1000 feet of cloudbase when above 3000 ft AMSL. This is particularly damaging to sailplane operations and would lead to significant channelling of flights at lower levels and markedly increase the risk of outlandings in fields. In addition, removing the possibility of glider pilots flying in and above cloud (with appropriate training) will significantly restrict their ability to achieve FAI badges which require long distance flights, and flight in mountain waves to attain large gains of altitude.

So:—

(1) Add provision for a sailplane 'cloud flying' rating; and.

(2) Add section on privileges of PPL and LPL holders along lines of current UK ANO for both UK and JAR licences:—

Holder of PPL shall not unless his licence includes an instrument rating (aeroplane) or an instrument meteorological conditions rating (aeroplanes), fly as pilot in command of such an aeroplane:

(i) on a flight outside controlled airspace when the flight visibility is less than 3 km;

(ii) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose

of this sub-paragraph; or  
 (iii) out of sight of the surface;  
 It is important to recognise the significant safety benefits of the UK IMC rating and so it is thoroughly disappointing to find no provisions for an equivalent in this NPA.

response

*Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC / cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment

4965

comment by: *ECA- European Cockpit Association*

Nowhere it is established on which type of aircraft the IR may be flown. For example, a balloon pilot could ask for an IR complying with the general requirements; the same for a glider. Only requirement that could be used in order to allow IR only in aeroplanes, helicopters, or airships, is on FCL.610, where it is asked to have at least a PPL license. Balloons and gliders are not considered PPLs, so they could not apply for an IR. Clarification is needed.

response

*Accepted*

The Agency agrees that some clarification regarding the categories of aircraft that may hold an IR (aeroplanes, helicopters, airships and powered-lift in the future), as well as which licences can hold an IR (all except the LPL), would make the paragraph clearer. The text will be amended accordingly.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1:  
 Common Requirements — FCL.600 IR — General**

p. 31

comment

131

comment by: *Robert Corbin*

FCL.600 The LPL(S) for glider pilots would imply that flight is only permissible under VMC and it would be impossible for a glider pilot to obtain an IMC rating under the conditions in FCL.610.

This will remove an important privilege from glider pilots in the UK who routinely fly in IMC for tactical reasons. The licensing rules must take account of the vastly different flight characteristics of gliders. Gliders use altitude (potential energy) as their fuel. They need it to get from one area of rising air to the next. If they have insufficient height then an out-landing not on an airfield may result. Such an event will significantly increase the risk of an accident due to the possibility of landing onto an unsuitable surface or hitting

an unseen obstruction. Cloud flying and flying close to cloud is especially important in the UK as cloud bases are generally lower than in the rest of continental Europe and there are few mountains and ridges for gliders to use to sustain flight.

The Instrument Rating conditions as detailed in subpart G are influenced by the characteristics of powered flight and most if not all of its requirements are not relevant for the safe conduct of a gliding flight.

I propose adding extra clauses into the section's parts to deal with the special case of sailplanes.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment *350*

comment by: *Colm Farrell*

It should be possible to add an IR to an Leisure Pilots licence

response *Not accepted*

After discussions with the MDM.032 licensing subgroup and the FCL.001 group, it was agreed that the holder of an LPL should not fly in IFR. The group that is currently dealing with task FCL.008, on conditions to fly in IMC, also agrees with this conclusion.

Therefore, it will not be possible to include an IR in an LPL. The text of paragraph FCL.600 will be amended to better reflect this.

comment *532*

comment by: *FOCA Switzerland*

G/Section 1  
FCL.600

Specific activities actually possible for certain categories are missing and need to be regulated commonly.

To be added:

- **Instrument rating with specific requirements for cloud flying with gliders.**
- **Instrument rating with specific requirements for balloon category (departure in fog)**
- **Instrument rating (departure and arrival in fog) with specific requirements for helicopter category.**

response

*Noted*

In relation to the instrument privileges for sailplanes, please see the reply to comment 131 above.

As for the other two proposals you make, these ratings were never discussed in the FCL.001, MDM.032 or FCL.008 rulemaking groups. At this moment, the Agency sees no need or safety justification for such ratings.

comment

787

comment by: *Robert Cronk*

1) There is no proposal at present for an appropriate IFR type rating for glider pilots who, as proposed here, would therefore not be able to fly within 1000 ft of cloud vertically or 1500m horizontally once above 3000ft. This is not practical and would severely impact on the glider pilots ability to fly cross country when climbs to cloudbase of CU, and adjacent to the windward edge of clouds formed by mountain wave, are routinely necessary. Flight in actual cloud is also currently practiced in the UK when climbs within CU are sometimes necessary to complete a cross country flight. (or descents through cloud may be necessary on completing a high altitude mountain wave flight).

Some form of IMC/IFR rating is therefore necessary for glider pilots.

2) In the UK, holders of an SEP or TMG PPL may gain an 'IMC Rating' which permits flight (with restrictions) outside of VFR definitions, and this has proved to be a very practical solution and a significant safety asset - it is very much in line with the practical needs of the leisure pilot, whereas the full IR is clearly focussed on a commercial aviation context and is both largely not relevant to the PPL and beyond most private pilots means. A continuation of the IMC Rating, in some form, is strongly advocated.

response

*Noted*

Please see the reply to comment 131 above.

comment

970

comment by: *Alastair MacGregor*

There is a need for gliders to have an exemption from the VFR rules. Most thermal flying in the UK is done above 3000 feet and up to cloudbase. Restricting them to 1000 feet below would prevent cross country flying on many days. Wave flights often require flying close horizontally to cloud and descents through cloud. Many pilots use cloud climbs on difficult days.

Enforcement would of course be difficult as the precise height of cloudbase is unknown very often.

response

*Noted*

Please see the reply to comment 131 above.

comment

1137

comment by: *KLSPublishing*

Attachment [#30](#)

600 IR general

In my opinion there is a general misconception in the overall structure of FCL

	<p>regarding the role and position of the Instrument Rating, which leads me to the following suggestion: IR should be the final element of every standard license in aviation. For a better understanding see the overall layout in the file attached.</p>
response	<p><i>Not accepted</i></p> <p>The IR is a separate rating in Annex 1 to the Convention on International Civil Aviation (ICAO), Personnel Licencing and it was also a separate rating in JAR-FCL 1 and 2. To make the IR an integral part of the licence would make the related training mandatory for all pilots, even for those that plan to fly only in VFR. At this point, the Agency sees no safety justification for this additional requirement.</p>
comment	<p>1577 <span style="float: right;">comment by: <i>Stefan Zingg</i></span></p> <p><b>FCL.600</b> According to the wording, this paragraph also applies to glider pilots. This is absolutely inadequate and would make cloud flying unreachable for most glider pilots. Either glider pilots should generally be allowed to cloud fly (as today in the UK), or a cloud flying rating must be defined (as today e.g. in Switzerland). If a cloud flying rating for glider pilots is considered, then the Swiss requirements for the cloud flying rating have proven to be adequate and could be adopted which are:  <ul style="list-style-type: none"> <li>- 50 hours glider PIC time</li> <li>- 6 hours dual instruction in instrument flying</li> <li>- a skill test</li> <li>- a theoretical test</li> <li>- Recency requirements: A check flight with an instructor within the last 24 months.</li> </ul> </p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 131 above.</p>
comment	<p>2334 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>(a) Change Validity to: An IR is valid for 1 year. This period shall be counted from the <b>end of the month of</b> the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date. Justification: This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.</p>
response	<p><i>Partially accepted</i></p> <p>Setting the validity to the end of the month is already provided in paragraph AR.FCL.215, as proposed in NPA 2008-22.</p>
comment	<p>2661 <span style="float: right;">comment by: <i>British Gliding Association</i></span></p> <p>FCL600. The BGA does not consider it appropriate for NPA17 to remove our existing privileges for IFR flight and our proposal to address this and to further improve safety as a result is attached under v3 of our response to NPA 17a, Subpart J, para 48, Page 29</p>
response	<p><i>Noted</i></p>

Please see the reply to comment 131 above.

comment **3138** comment by: *Jim Ellis*

The IR is far too difficult and costly for the vast majority of PPL holders to achieve or keep current. There needs to be a 'lesser' instrument qualification which would be more accessible to more pilots. This would improve flight safety. The UK IMC rating is a good model for a starting point. The FAA IR should also be considered as a practical alternative to a full EASA IR. Perhaps a modular type of IR qualification could be developed, with increasing levels of privileges with a higher level of qualification?

response *Noted*

Please see the reply to comment 350 above.

comment **3240** comment by: *john daly*

This rule effectively prevents non-IR holders from flying outside a control zone at night in VMC in the UK. It is suggested that a clause be added similar to JAR-FCL 2.175 (b) which allows national authorities to allow pilots to fly under IFR under special circumstances without being the holder of an IR. Also, see my comment relating to FCL.810 (night ratings).

response *Noted*

Please see the reply to comment 350 above.

comment **4161** comment by: *Claudia Buengen*

IR requirement for non-VFR flying - and its impact on cross-country flying for sailplanes:

If there is no provision for flying close to cloud in sailplanes, then this will have a serious impact on the feasibility of cross-country flying in the UK. Cloud base in the UK in the summer often does not exceed 4000 ft. This proposal would mean that glider pilots are restricted to a max. height of 3000 feet, which would mean cross-country and competition flying will be seriously jeopardised. This also increases the risk of off-airfield landings, which in turn increases the risk of damage to gliders, pilots and landowners' properties.

Restricting glider pilots to flying in the height band of 2000 to 3000 ft also puts them in the same height band as most light aircraft, which can pose a significant safety risk.

Suggestion:

allow glider pilots to fly up to cloud base, staying clear of cloud with visibility of the ground.

introduce a cloud flying endorsement, e.g. with formalised cloud flying training in a two-seater with an instructor experienced in cloud flying. That way all glider pilots can carry on flying cross-country, and those who want to go into cloud can easily acquire the necessary skills to do so safely.

response *Noted*

Please see the reply to comment 131 above.

comment **4229** comment by: *Noel WHITE*

This NPA makes no mention of the UK IMC rating. I believe the UK IMC rating enables pilots to fly more safely in the variable climate of the UK caused by travelling lows at UK latitudes.

This raises a number of issues some of which will cause a reduction in safety:

1. The only way a PPL holder will be able to fly IFR under this proposal is with a very expensive IR which they will be unlikely to undertake, thus reducing the number of pilots in UK airspace able to deal with the variable and cloudy conditions. There are only 150 PPL/IR holders in UK compared with 20,000 PPL holders because of the cost of the IR. Statistics show an reduction in accident rate over the last 30 yrs, and over 18,000 UK IMC ratings have been issued
2. Loss of the IMC rating reduces earning potential for PPL instructors.
3. Instructors currently flying with embedded IMC privileges in their CPL will be severely restricted as they will be limited to only VFR conditions at all times. This will frustrate students and cause loss of earnings to instructors.
4. The PPL does not actually require IF training (except for test) and yet the lower limits of visibility in VFR conditions will give VFR pilots problems even though they are technically legal. The UK IMC rating improves safety by enhancing pilot skill and confidence in lower limits of legal visibility. As well as enabling legal approaches in bad weather.
5. RNAV and GPS approaches are becoming more available and modern PPL aircraft are being equipped with EFIS navigation equipment that allows pilots to fly the RNAV approaches more accurately and more safely. However they can only be used with an UK IMC or IR rating. Providing just one very expensive route to an IR including the large number of ground exams will negate the available increase in flight safety from EFIS systems, which defeats the object of having the EFIS systems there in the first place.

I feel there is a need, particularly in the changeable UK weather and visibility conditions, for a less expensive EASA approved Bad Weather Rating which might consist of say 25hrs of instrument and IFR flight training. Thus making it financially tolerable for many PPL pilots to become safer overall. The ground exams should also be reduced significantly and made more relevant to this rating or again pilots will be not want to become safer overall.

response

*Noted*

Please see the reply to comment 350 above.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR). In this context, the future of the UK IMC rating was mentioned.

comment

5454

comment by: UK CAA

**Paragraph:** 600

**Page No\*:** 31

**Comment:**

FCL.600 states that one can operate IFR with an IR in the appropriate category. Both SE and ME aeroplanes are in the same category (ie aeroplanes) as defined at FCL.010 and so the implication is that an IR carried out on a SE gives ME privileges.

**Justification:**

JAR-FCL did not give ME IR privileges to SE IR holders.

**Proposed Text:**

**(if applicable)**

Amend FCL.600 to read: 'Holders of a pilot licence shall only operate an aircraft

	under IFR when they hold an instrument rating appropriate to the category of aircraft, except when they are a pilot undergoing skill testing or dual instruction. In addition holders of an IR gained/renewed/revalidated on a single-engine aircraft shall not operate a multi-engine aircraft under IFR, except when they are a pilot undergoing skill testing or dual instruction.'
response	<p><i>Not accepted</i></p> <p>The Agency follows in this paragraph FCL.600 closely the wording of the paragraphs JAR-FCL 1.175(b) and JAR-FCL 2.275(b). The requirements are the same.</p> <p>The distinction between SE and ME is included in the paragraphs FCL.620, FCL.625.A and FCL.625.H.</p>
comment	<p><b>5857</b> <span style="float: right;">comment by: <i>EFLEVA</i></span></p> <p>EFLEVA suggests that the Agency should be encouraged to form a working group to pursue the introduction of a simplified instrument rating for PPL holders flying non-complex aeroplanes.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 350 above.</p>
comment	<p><b>6498</b> <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment: The meaning of category of aircraft has to be done more precisely due to the actual FCL regulatory in force.</p> <p>Proposed Text: Holders of a pilot licence shall only operate an aircraft under IFR when they hold an instrument rating appropriate to the category of aircraft <b>(SE, ME)</b>, except when they are a pilot undergoing skill testing or dual instruction.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 5454 above.</p>
comment	<p><b>6558</b> <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span></p> <p>The LAA is conscious of the need for establishing a simplified instrument rating for PPL holders flying on non complex aeroplanes. Indeed, in recognition of the particularly cloudy environment in the UK, we have a national IMC rating and would like to see this extended into the Private Licence categories.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 350 above.</p>
comment	<p><b>6648</b> <span style="float: right;">comment by: <i>David PYE</i></span></p> <p>FCL600. The BGA and hence I, do not consider it appropriate for NPA17 to remove our existing privileges for IFR flight and our proposal to address this and to further improve safety as a result is attached under v3 of our response to NPA 17a, Subpart J, para 48, Page 29</p>
response	<p><i>Noted</i></p>

Please see the reply to comment 131 above.

comment **6811** comment by: *Colin Troise*

These comments are applicable to Instrument rating for the purpose of piloting a sailplane.

My understanding is that the right of a sailplane pilot to fly near, or in, cloud, with some dependence on the height above sea-level, will be removed by the NPA. This is a right that UK pilots have held for many years, and should not be removed without good justification, which is not apparent withn the NPA.

In a country where a "good" day sees a cloudbase of 4000-4500, and an excellent day has a cloudbase of 6000-7000 feet, and in a sport where the clouds are the markers of the energy required to undertake the sport, this is a highly restricting rule.

Although I have not personally flown as PIC within a cloud, I have undertaken several flights as PIC, in wave conditions, where it was necessary to be very close (within one hundred feet) of the cloud in order to use the conditions for soaring flight.

**Proposal:**

**Insert an IR for sailplanes within the NPA.**

**Split this into two variants:**

**a) full cloud-flying instrument rating, involving all normal manoeuvres, including thermalling.**

**b) a qualification for straight-line descending flight on a heading, for those circumstances where descent from a wave flight where the cloud has filled in below the aircraft is necessary.**

response *Noted*

Please see the reply to comment 350 above.

comment **7366** comment by: *Roger STARLING*

As already mentioned in the comment to 17a para 48, the removal of existing privileges for UK glider pilots to fly in IMC will seriously reduce safety and lead to widespread dissatisfaction with glidind.

response *Noted*

Please see the reply to comment 131 above.

comment **7524** comment by: *Cecilia Craig*

Glider pilots historically have had the privilege for IFR flight. I cannot see any justification and in particularly in relation to safety, for the removal of this.

response *Noted*

Please see the reply to comment 131 above.

comment **7548** comment by: *Douglas Gardner*

It is not appropriate for NPA 17 to remove the existing privileges glider pilots

have for IFR flights.

Speaking as an experienced cross-country glider pilot, a proposal that sailplane pilots be no longer permitted to fly in, or in the vicinity of. Cloud in Class G airspace would effectively curtail cross-country gliding in the UK as a viable sporting activity. This would be the last straw amongst a plethora of over-bureaucratic and disproportionate regulation that seems designed to drive leisure pilots from the skies. The weather conditions often prevailing in the UK, with its maritime moist airmass and generally low cloudbase, mean that sailplane pilots cannot effectively fly cross-country on most days whilst maintaining VMC. When transitioning from thermal conditions below convective cloud to fly in lee wave above the level of such cloud it is often necessary to enter cloud for a limited time. British glider pilots have always ranked highly in international competitive gliding, but if their activities are curtailed to the extent that is being hinted at in paragraph 48 there will be little prospect of that continuing and indeed little future for the sport at all.

response *Noted*

Please see the reply to comment 131 above.

comment *7570*

comment by: *Andrew Sampson*

As a glider pilot I frequently fly close to cloud. Without this privilege I would be unable to fly cross-country in the UK, indeed it would severely restrict even local soaring and training, to the point that gliding may no longer be a viable sport. See my response to NPA 17a, Subpart J, para 48, Page 29

response *Noted*

Please see the reply to comment 131 above.

comment *7826*

comment by: *Dick Dixon*

In order to fly cross country in the UK glider pilots have to be able to fly close to cloud, and sometimes within cloud. This is because in a maritime climate cloud base is rarely high enough to allow sufficient range to the next source of lift without climbing up to within a hundred feet or so of cloudbase.

The current arrangements work well and it would be devastating to British gliding if glider pilots were to have to maintain VMC at all times. I suggest a cloud flying rating be introduced for glider pilots based on current training methods available in the UK.

response *Noted*

Please see the reply to comment 131 above.

comment *8278*

comment by: *Paul McG*

FCL600. Is it appropriate for NPA17 to remove the existing privileges for IFR flight for gliders? This will destroy the sport for no advantage? How can a pilot cloud fly?

response *Noted*

Please see the reply to comment 131 above.

comment	8279	comment by: <i>Paul Mc G</i>
	There is a need for a simplified instrument rating for PPL holders flying on simple aeroplanes. In the UK, there is a national IMC rating but this should really be extended into the Private Licence categories as a mini IR rating which is really needed. Actually the night and IR need be built into a skills ladder which can be used to improve piloting and safety. PLEASE can you create a logical part by part progression at low cost such that pilots can upskill over time to a very high standard?	
response	<i>Noted</i>	
	Please see the reply to comment 131 above.	

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1: Common Requirements — FCL.605 IR — Privileges**

p. 31

comment	984	comment by: <i>CAA Belgium</i>
	(c) should be deleted as it is already mentioned in FCL 625.A(b). As it is only applicable to aeroplanes it should be under 625.A (b) and not under 605 Common requirements.	
response	<i>Not accepted</i>	
	Your comment that paragraph FCL.605(c) is only applicable to aeroplanes is a misunderstanding.	
	Paragraph FCL.605 (c) is referring to Appendix 8 to Part-FCL and in Appendix 8 there is the cross-crediting of the IR part of a type or class rating proficiency check for A. Aeroplanes and B. Helicopters.	
	The reference to Appendix 8 is necessary here to make the IR privileges not type-specific. Therefore, it should be maintained.	
	It should also be maintained in both paragraph FCL.625.A and paragraph FCL.625.B to ensure that a there will be cross-crediting of a pass in a proficiency check in a certain type, in accordance with Appendix 8.	
comment	3227	comment by: <i>Susana Nogueira</i>
	Paragraph (c) and (d) should be deleted.	
response	<i>Not accepted</i>	
	In your comment there is no explanation why subparagraph (c) and (d) should be deleted.	
	In relation to subparagraph (c), please see the reply to comment 984 above.	
	In relation to subparagraph (d), this is a requirement coming from paragraph JAR-FCL 2.180(a)(1). The Agency sees no reason to change it at this point.	
comment	3745	comment by: <i>ANPI</i>
	<i>If single engine aero planes (e.g. SE-T TBM 700/850) are certificated for lower minima than 200Ft decision height, there is no reason to require the Pilot to hold a multiengine IR. This requirement is probably based on current</i>	

	<i>requirement for CAT2 operations for which no single engine ACFT is certificated YET.</i>
response	<p><i>Noted</i></p> <p>The Agency follows closely Subpart E of JAR-FCL. Nothing has changed concerning the privileges of minimum decision height.</p>
comment	<p><b>3834</b> <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span></p> <p>FCL.605:          Since the privileges of the holder of an IR rating are defined in FCL.605 (a) the intention of the requirement in FCL.605 (c) is not understood. Deletion of (c) is suggested. Furthermore, Appendix 8 appears to be questionable with regard to helicopters (please note our comment on Appendix 8).</p> <p>Furthermore, FCL.605 (d) appears to be of no practical value and cannot be supported. Single pilot helicopter operation under IFR conditions is a heavier workload and much more demanding than multi pilot helicopter IR operation. Nonetheless, there is no such requirement for single pilot operation under IFR conditions. If this requirement in FCL.605 would be justified how come that there is no such a requirement on aeroplane pilots? We suggest deleting FCL.605 (d).</p>
response	<p><i>Not accepted</i></p> <p>Please see the replies above to comments 984 and 3227.</p>
comment	<p><b>4476</b> <span style="float: right;">comment by: <i>AEA</i></span></p> <p><b>Comment:</b>          References to OPS Part and to AMC FCL 1.261(a) (LVP theoretical knowledge) and Appendix 2 to JAR-FCL 1.240 section 6 (practical training) are missing. There is no AMC on FCL.605 to describe this “specific training” as in AMC JAR-FCL 1.261 § 6 and Appendix 2 to JAR-FCL 1.240 section 6.</p> <p><b>Proposal:</b> Precise what is this specific training and where it can be found</p>
response	<p><i>Partially accepted</i></p> <p>According to the Cross-reference table in NPA 2008-17a, the AMC FCL 1.261(a) is converted to the AMC No 1 to FCL.725(a). Appendix 2 to paragraph JAR-FCL 1.240 is converted to Appendix 9 to Part-FCL.</p> <p>The reference to the proficiency check for IR can be found in Appendix 9 to Part-FCL as mentioned in paragraph FCL.605(b). Here you can find the practical training.</p> <p>The Agency acknowledges that by copying the text from Appendix 2 to paragraph JAR-FCL 1.240 in Appendix 9, some items disappeared (for example section 6 for certain categories). This editorial mistake will be corrected and the Agency will amend Appendix 9 to be in line with Appendix 2 to paragraph JAR-FCL 1.240.</p>
comment	<p><b>5457</b> <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph:</b> FCL.605(b)</p>

**Page No\*:** 31

**Comment:**

Is it intended to confer privileges to operate to decision heights lower than 200 feet on multi-engine (i.e. single pilot) aircraft?

**Justification:** Typographical error/inconsistency.

**Proposed Text: (if applicable)**

Revised FCL.605(b):

In the case of a multi-pilot IR, these privileges may be extended to decision heights lower than 200 feet (60 m) when the applicant has undergone specific training at an approved training organisation and has passed section 6 of the skill test prescribed in Appendix 9 to this Part in multi-pilot aircraft.

response

*Not accepted*

The Agency follows closely the wording of paragraph JAR-FCL 1.180 which also refers to the holder of a multi-engine IR.

The Agency is aware of the confusion of the phrases 'multi pilot', 'multi pilot operations', 'multi pilot aircraft', 'multi crew' etc. The Agency will search the entire NPA-FCL for those phrases and will edit these phrases where needed.

The Agency acknowledges that by copying the text from Appendix 2 to paragraph JAR-FCL 1.240 in Appendix 9, some items disappeared (for example section 6 for certain categories). This editorial mistake will be corrected and the Agency will amend Appendix 9 to be in line with Appendix 2 to paragraph JAR-FCL 1.240.

comment

6029

comment by: *British Airways*

In the case of training for operations below 200 feet (60m) there is no AMC to FCL.605 giving guidance. Appendix 9 has section 6 omitted.

response

*Noted*

The JAR-FCL AMC [AMC FCL 1.261(a)] is now included in AMC No 1 to FCL.725(a).

The Agency acknowledges that by copying the text from Appendix 2 to JAR-FCL 1.240 in Appendix 9, some items disappeared (for example section 6 for certain categories). This editorial mistake will be corrected and the Agency will amend Appendix 9 to be in line with Appendix 2 to JAR-FCL 1.240.

comment

7465

comment by: *Dorothy Pooley*

The lack of mention of the IMC rating is an important omission for safety reasons. The IMC rating has improved safety in the UK immeasurably and not permitting the continuance of this rating (by all means limited to the UK as at present) is a serious degradation in the safety of flying in the UK. The removal of the 5 hours minimum IF training from the PPL syllabus has led to the average PPL having little appreciation and understanding of the deterioration of weather and how to avoid it and if anything has increased the need for the IMC rating in the UK's difficult weather. What is needed is a much simpler form of IR because the current IR is at a level not required by most PPLs and in any event they are deterred because of the complexity of ground study required and the prohibitive costs in the flight training required, from obtaining an IR. A simpler form of IR that did not necessarily give privileges to fly in controlled

airspace but provided the much-needed safety net of " a get you home safely" rating would be a good compromise. A requirement for additional training each year if the rating had not been used, coupled with a revalidation test annually would be a more palatable transition than simply abolishing the IMC rating and requiring a full IR for all 18,000 IMC rated pilots. It is unlikely that the UK could provide sufficient capacity in the training market to retrain all of the IMC holders in any event.

A further problem is that there are currently many instructors in the UK who hold UK CPLs or ATPLs with embedded IMC privileges and who have never held an IR or have long let it lapse. All of these pilots would also be required to gain IRs and there are many instructors who could not afford this and would simply give up as their licence would effectively be downgraded to a VFR only licence. This is another example of a reduction in existing status for holders of UK licences and is likely to be another breach of human rights by reducing existing qualifications and thereby the holders job prospects. Such instructors who have been able to supplement their meagre income as PPL instructors by teaching for the IMC rating would have that part of their income removed and this is another reason why they will be forced to give up instructing. Ironically these are the people who are experienced and it will be a great loss to the industry to lose so many of its experienced instructors.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1: Common Requirements — FCL.610 IR — Pre-requisites**

p. 31

comment 149

comment by: GFD-OES

In case of a medical "stepdown", an experienced IR pilot should have the change to keep his IR with a PPL or even a LPL. With an instrument background the pilot should be able to fly IFR safely even with a LPL. FCL.610 (a) should not be changed, because with a relatively inexperienced pilot overall, the PPL with the night rating should be the minimum - for safety consideration and for the experience.

For these reasons FCL.610 could read:

FCL.610 IR - Pre-requisites **and crediting**

Applicants for an IR shall:

(a) hold:

- (1) a PPL with a night rating in the appropriate aircraft category; or
- (2) a CPL, with a night rating in the appropriate aircraft category; or
- (3) an ATPL in another category of aircraft;

(b) have completed at least 50 hours cross-country flight time as pilot-in-command in aeroplanes, helicopters or airships of which at least 10 or, in the

case of airships, 20 hours shall be in the relevant aircraft category.

**(c) crediting:**

(1) Applicants who have completed an integrated flying training course as ATPL(H)/IR, ATPL(H), CPL(H)/IR or CPL(H) shall be exempted from the requirement in paragraph (b);

(2) Holders of an ATPL/IR or CPL/IR shall undergo a skill test in the appropriate class/type to get a PPL/IR or LPL/IR.

**How about ATPL(A) and CPL(A)???????**

response

*Partially accepted*

This paragraph focuses on the prerequisites for the issuance of an IR rating. It does not apply to the case you mention, of the holder of a CPL, for example, losing medical certification and being able to exercise the IR privileges together with a PPL. However, the Agency acknowledges your point, and paragraph FCL.110 will be amended to ensure that when a person previously holding another licence 'steps down' to a LPL for medical reason he/she will be able to maintain the privileges of his/her IR.

Your editorial comment on the title is accepted. The title will be amended to include the reference to crediting.

Subparagraph (c) of paragraph FCL.610 is a copy of paragraph JAR-FCL 2.190. An equivalent requirement did not exist for aeroplanes in JAR-FCL 1. To make this more clear, an editorial amendment of the paragraph will be made, to indicate that this subparagraph (c) applies to helicopters only.

As already indicated above, this paragraph does not apply to the crediting between different licences within the same aircraft category. A holder of an ATPL/IR or CPL/IR does not have to undergo a skill test in the appropriate class/type to get a PPL/IR or LPL/IR.

comment

261

comment by: *Oscar Tjernberg*

The pre-requisite of a night qualification makes it impossible for any colour vision defective pilot to obtain an instrument rating. Since there is no scientific basis for requiring normal colourvision (only the usual it must be safer attitude) it would be logical to remove the requirement completely from the legislation as has been done in Australia. Requiring normal colourvision seems, however, to be a touchy subject and if the requirement is not removed completely it should be removed for all PPLs and LPLs. Following the arguments for the establishment of the LPL it seems unreasonable to exclude PPLs and LPLs from night VFR and IMC operations. If politics for some reason prevents even this measure from being implemented it should at least be possible to obtain a daylight instrument rating for colour deficient pilots. This was previously possible in some European countries e.g. Sweden. It is time that restrictions imposed on colour vision deficient pilots are based on fact rather than fiction!

response

*Noted*

The restriction imposed on colour vision deficient pilots is not based on fiction but is in compliance with paragraph 6.2.4 of Annex 1 to the Convention on International Civil Aviation (ICAO), concerning colour perception requirements.

comment	<p>448 <span style="float: right;">comment by: <i>AK Aviation GmbH</i></span></p> <p>It should be possible to integrate the night rating in the IR schooling. In Germany you first have to pass your CVFR rating to do the night rating which does not make sense. The IR theory stuff highly extends the CVFR level.</p>
response	<p><i>Noted</i></p> <p>Subpart I of NPA 2008-17b (Additional Ratings) does not contain a 'CVFR' rating. The holder of a PPL will be able to start the training for the night rating without a need to fulfil any further specific prerequisite (see paragraph FCL.810).</p> <p>The Agency would like to clarify that the holder of a JAR-FCL licence in Germany does not need to hold such a CVFR rating (CVFR was introduced in Germany mainly to exercise Radio-NAV based procedures and to fly in airspace C before JAR-FCL was implemented) prior starting the training for the night rating. The CVFR rating is an obligatory training item for national PPL holders only.</p>
comment	<p>493 <span style="float: right;">comment by: <i>FOCA Switzerland</i></span></p> <p>G/Section 1 FCL.610 for a better understanding, add the following editorial change.</p> <p>Proposal:</p> <p><b>FCL.610 (a) (1) and (2): Reference to FCL.810</b></p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment. The Agency will redraft this paragraph in such a way that when referring to night rating, the reference will be made to paragraph FCL.810.</p>
comment	<p>810 <span style="float: right;">comment by: <i>Robert Corbin</i></span></p> <p>For the reasons argued in comment to FCL.600 add clause:</p> <p>(a) hold: ... or (4) an LPL(S) or SPL.</p> <p>amend (b) to read:</p> <p>(b) (i) have completed at least 50 hours cross country flight time as pilot in command in aeroplanes, helicopters or airships of which at least 10 or, in the case of airships, 20 hours shall be in the relevant aircraft category; or (ii) for LPL(S) or SPL have 50 hours flight time.</p>
response	<p><i>Noted</i></p> <p>It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.</p> <p>One objective of this task is to review the JAR-FCL requirements for the</p>

Instrument Rating (IR).

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment **986** comment by: *CAA Belgium*

(a)(2) "with a night rating" should be deleted as the CPL already has a night rating.

(c) is there any reason why this exemption only applies for (H) and not for (A) or (As) ?

response *Accepted*

Thank you for your comment.

The phrase 'with a night rating' in subparagraph (a)(2) of paragraph FCL.610 will be deleted.

In relation to subparagraph (c), please see the reply to comment 149 above.

comment **1523** comment by: *Keith WHITE*

There is no mention of holding an SPL, and it would appear therefore that gliders are not permitted IFR flight [entering cloud] under these rules. This would be a considerable disadvantage to glider pilots, and **an IFR training syllabus and regulations should be developed in collaboration with the various national gliding authorities.**

response *Noted*

Please see the reply to comment 810 above.

comment **1544** comment by: *IAn*

A night rating excludes unnecessarily PPL's who have a daytime only restriction on their licence due to colour vision deficiency for instance. Colour vision is less important when flying by instruments.

response *Noted*

The restriction imposed on colour vision deficient pilots are not based on fiction but is in compliance with paragraph 6.2.4 of Annex 1 to the Convention on International Civil Aviation (ICAO), concerning colour perception requirements.

comment **1546** comment by: *IAn*

there is no mention of transition from UK IMC to IR. Without such a route IMC holders will face losing the skills and additional safety on economic grounds in many cases. Loss of safety in these circumstances cannot be the intention surely !

response *Noted*

Please see the reply to comment 810 above.

comment 1895 comment by: *French Army AVN. FTO*

What is the pre-requisite ?

"**A CPL, with a night rating** in the appropriate category" : **FCL.610 (a) (2)**

or

"a PPL(H), with a night rating or **a CPL** or an ATPL": **appendice 6 (B) (2) (page 111)**.

response *Noted*

CPL has indeed already a night rating, ruled in Appendix 3 to paragraph paragraph FCL.315.

The phrase 'with a night rating' in subparagraph (a)(2) of paragraph FCL.610 will be deleted.

Please see the reply to comment 986 above.

comment 1975 comment by: *Nigel Roche*

Regarding Paragraph (c)

"(c) Applicants who have completed an integrated flying training course as ATPL(H)/IR, ATPL(H), CPL(H)/IR or CPL(H) shall be exempted from the requirement in paragraph (b)."

Why are only integrated helicopter students exempt paragraph (b)

As paragraph (b) refers to aeroplanes, helicopters or airships I assume the author meant all students on integrated courses:

ATPL (A), ATPL (H)/IR, ATPL (H) CPL (A), CPL(A)/IR, CPL(H)/IR, CPL (A) and CPL(H)

"(b) have completed at least 50 hours cross-country flight time as pilot-in-command in aeroplanes, helicopters or airships of which at least 10 or, in the case of airships, 20 hours shall be in the relevant aircraft category."

response *Noted*

Please see the reply to comment 149 above.

comment 2038 comment by: *Lauri KARJALAINEN*

Applicants for an IFR shall:

(a) hold:

(1) a PPL **or passed succesfyllly skill test for PPL** and...

(2) a CPL **or passed succesfully skill test for PPL** and...

Reason for comments 2037, 2038 and 2039 is finnish aviation authority:

It has hapen and hapens in future, that the student has to interrupt the studies for about one month, because the authority reads the "book" "as there are the words". Normal time to produce the lisenca takes 2 weeks? by the finnish authority, but many times this 2 weeks is not enough? We in the field are wondering this situation. This is a very small country, no many new lisenca in the year.

response

*Not accepted*

The Agency follows closely Subpart G of JAR-FCL 1 and has taken over the text from Appendix 1 to JAR-FCL 1.285: An applicant shall be the holder of a PPL(A) issued in accordance with ICAO Annex 1.

Next to that paragraph FCL.515.A indicates that applicants shall hold **at least** a PPL(A). So this includes obviously the CPL(A). It only excludes licenses 'below' the PPL(A), like the LPL(A).

comment

2563

comment by: *CAA Belgium*

Applicants for an IR shall....

What is the definition of "applicant" in this case: a candidate starting a course or a person asking for a licence/rating after having finished a course and having passed examinations ?

In JAR terminology an applicant is a person who applies for a licence or a rating.

As FCL 610 are "Prerequisites" we should use the term "candidate" instead of "applicant"

The correct use of these words should be checked elsewhere in this NPA and even in all NPA's.

response

*Noted*

In Part-FCL an applicant is the same as in JAR terminology, namely an applicant is a person who applies for a licence or a rating.

To apply for an IR, the candidate needs to have the licence with rating as mentioned under (a). These are the 'prerequisites' in the correct use of this word in English.

comment

3246

comment by: *john daly*

There does not appear to be any mention of alleviations from a full course of training as proposed at Appendix 6 to this part. What about the case of a holder of an ICAO IR(H) or IR(A), a JAR-FCL or Part FCL IR(A) or IR(H) or military pilots holding military instrument ratings? Will these people really have to undergo a full course of training?

response

*Noted*

It was already indicated in the Explanatory note to Part-FCL, under Transition measures, number 46-48 (page 16 and 17), of NPA 2008-17a, that the conversion from military to Part-FCL licence will be possible.

comment

3341

comment by: *DGAC FRANCE*

FCL 610 (a)

- The night rating is included in the CPL except in the case of a conversion of CPL(H) national licence to CPL(H) FCL licence.

- Hold an ATPL licence in a category doesn't guarantee a relevant night flying experience for undertaking an IR training in **another** category.

Applicants for an IR shall:

(a) Hold :

(1) a PPL with a night rating in the appropriate aircraft category ; or

(2)

(1) a CPL ~~, with a night rating in the appropriate aircraft category or~~ ***no restricted to day VFR operations***

(2) ~~***an ATPL in another category***~~

response *Partially accepted*

CPL has indeed already a night rating.

Please see the reply to comment 986 above.

comment

3409

comment by: *NACA*

**FCL.610**

1. In addition to ur comments on FCL.810 (night rating) we would now like to point out another consequence of your proposed Night Rating regulations in relation to an Instrument Rating (A/H).
2. It requires a minimum of only **100 hours** to obtain a single-engine Instrument Rating in a PPL(A) licence. These hours consist of:
  - § 45 hours for the PPL(A) course (**no** instrument training required)
  - § 5 hours night rating training (**no** additional instrument training required)
  - § 50 hours instrument training for the IR(A) course
3. However, for a single-engine Instrument Rating in a PPL(H) licence the minimum total amount required is **210 hours** (!). These hours consist of:
  - § 45 hours for the PPL(H) course (including 5 hours instrument training)
  - § 100 hours additional flight time
  - § 15 hours night rating training (including 10 hours additional instrument training)
  - § 50 hours instrument training for the IR(H) course
4. One may question the importance and/or usefulness of an Instrument Rating in a PPL but the fact is that there is a huge, inexplicable and unacceptable difference in flying hours required. In our opinion a PPL(A) + IR(A) with only 100 hours total experience poses a serious flight safety hazard.

response *Noted*

This difference in the amount of hours between the night raging for aeroplanes and helicopters is coming from JAR-FCL (see JAR-FCL 1.125(c) and JAR-FCL 2.125(c). To the Agency's knowledge, there is not any evidence that the aeroplane night rating is not safe. Therefore, we do not see a reason to change the system of JAR-FCL in this respect.

comment

3553

comment by: *Swiss Power Flight Union*

	<p>(a) (1) and (2)delete "night rating"</p> <p>Reason: The training in night flight should be done during the IR-education. In many countries in Europe is a night flight training during summertime not possible</p>
response	<p><i>Partially accepted</i></p> <p>CPL has indeed already a night rating. Please see the reply to comment 986 above.</p> <p>For a PPL this is not the case. Night rating is not automatically in a PPL, therefore it should be written here as a prerequisite.</p>
comment	<p>3626 <span style="float: right;">comment by: <i>M Wilson-NetJets</i></span></p> <p>FCL.610 (A)(1)</p> <ul style="list-style-type: none"> <li>• It should not be a pre-requisite to hold a night rating to apply for an IR.</li> </ul> <p>Suggestion: delete "with a night rating in the appropriate aircraft category; or"</p> <p>FCL.610 (A)(2)</p> <ul style="list-style-type: none"> <li>• It should not be a pre-requisite to hold a night rating to apply for an IR.</li> </ul> <p>Suggestion: Delete "with a night rating in the appropriate aircraft category; or"</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3553 above.</p> <p>The reference to the appropriate aircraft category is because this paragraph is in section 1, common requirements, for all the categories of aircraft. It is not possible to have for example a CPL with a night rating for helicopters.</p>
comment	<p>4737 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>FCL.610(a)(3)</p> <p>Why this requirement to hold an ATPL in <u>another</u> category of aircraft? He/she will need to hold a license in the appropriate category of aircraft, i.e. a PPL or CPL, as covered in (1) and (2), to get an IR at all. The pilot could also be holder of an ATPL(H), wanting to include an IR(H), in witch case he/she should hold an ATPL in the <u>appropriate</u> category of aircraft?</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3341 above.</p>
comment	<p>4966 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span></p> <p>Comment: ECA recommends to include ICAO requirement of min 40h of instrument flying prerequisite (2.7.3.2 b) of ICAO annex 1.</p>

	Justification: This is non ICAO compliant, as a Copy-paste of JAR FCL1.190, which was not ICAO compliant. EASA needs to fix this discrepancy.
response	<p><i>Noted</i></p> <p>The amount of hour of instrument flying is part of the training course. See Appendix 3 and 6. Which is ICAO compliance was paragraph JAR-FCL 1.190 and Appendix 1 to paragraph JAR-FCL 1.190.</p>
comment	<p>5463 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.610 – IR Pre-requisites  <b>Page No*:</b> 31 of 647  <b>Comment:</b> No mention of medical fitness  <b>Justification:</b> Clarification, JAR-FCL 1.174/2.174 required applicant to be medically fit in accordance with JAR-FCL 3.355(b)</p>
response	<p><i>Noted</i></p> <p>All the medical requirements can be found in Part Medical of NPA 2008-17a. The cross-reference of paragraph JAR-FCL 1.174, Medical fitness, was already indicated in the Cross-reference table JAR-FCL 1 and 2 to EASA Part-FCL of NPA 2008-17a.</p>
comment	<p>5467 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.610  <b>Page No:</b> 31  <b>Comment:</b> IR applicants should be aware that they need to have an audiogram.  <b>Justification:</b> IR applicants shall have satisfactory hearing.  <b>Proposed Text: (if applicable)</b>  Add '(d) meet the audiogram requirements of MED.B.075 (c)'</p>
response	<p><i>Noted</i></p> <p>See the response to your comment 5467. All the medical requirements can be found in Part Medical.</p>
comment	<p>6890 <span style="float: right;">comment by: CAA CZ</span></p> <p>FCL.610 (a)(3)  Why "ATPL in <i>another</i> category of aircraft?  This could mean that a holder of a PPL(A) who want to obtain the IR(A), might be a holder of a VFR ATPL(H) only and does not need the NIGHT qualification on aeroplanes.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3341 above.</p>
comment	<p>6891 <span style="float: right;">comment by: CAA CZ</span></p> <p>FCL.610 (c)  Additionally the same credit should be applied for these applicants who passed</p>

	an ATPL(A), CPL(A)/IR and CPL(A) integrated course.
response	<i>Noted</i> Please see the reply to comment 149 above.
comment	7035 <span style="float: right;">comment by: CAA Norway</span> FCL.610 The word "Applicant" should be changed to "Candidate". This para covers the pre-requisites.
response	<i>Noted</i> In Part-FCL an applicant is the same as in JAR terminology, namely an applicant is a person who applies for a licence or a rating. To apply for an IR, the candidate needs to have the licence with rating as mentioned under (a). These are the 'prerequisites' in the correct use of this word in English.
comment	7036 <span style="float: right;">comment by: CAA Norway</span> FCL.610(a)(3) Why this requirement to hold an ATPL in <u>another</u> category of aircraft? He/she will need to hold a license in the appropriate category of aircraft, i.e. a PPL or CPL, as covered in (1) and (2), to get an IR at all. The pilot could also be holder of an ATPL(H), wanting to include an IR(H), in witch case he/she should hold an ATPL in the <u>appropriate</u> category of aircraft?
response	<i>Noted</i> Please see the reply to comment 3341 above.
comment	7234 <span style="float: right;">comment by: Aero-Club of Switzerland</span> (a) (1) and (2)delete "night rating"  Reason: The training in night flight should be done during the IR-education. In many countries in Europe is a night flight training during summertime not possible
response	<i>Partially accepted</i> Please see the reply to comment 3553 above.
comment	7238 <span style="float: right;">comment by: ECOGAS</span> It should not be a pre-requisite to hold a night rating to apply for an IR.  Suggestion: delete "with a night rating in the appropriate aircraft category; or" as follows  (a) hold: (1) a PPL <del>with a night rating in the appropriate aircraft category;</del> or (2) a CPL <del>with a night rating in the appropriate aircraft category;</del> or
response	<i>Partially accepted</i>

Please see the reply to comment 3553 above.

comment 7587 comment by: *Atlantic Training Support*

FCL.610 (A)(2) delete ' with a night rating in the appropriate category'

response *Partially accepted*

Please see the reply to comment 3626 above.

comment 7817 comment by: *Tim FREEGARDE*

FCL610

As with my comment to para 48 (p29) of NPA 2008-17A: the most serious deficiency with the NPA is the impact upon UK (and northern latitudes) glider pilots of the removal of IMC privileges without the introduction in any form of a corresponding IMC rating. For those of us who fly in a country in which cloudbases are commonly in the 4000'-5000' region (and below), the inability to fly within 1000' of cloudbase or within the cloud itself stands to make a huge difference to the nature of cross-country flight possible on perhaps half of the days on which soaring flight is possible. The VFR requirement furthermore places foolish constraints upon the ability of wave-flying pilots to return to ground level. In this respect, the NPA threatens a major part of our UK sailplane activities. It is not acceptable to defer the issue, which should be addressed as part of this NPA.

In addressing this question, EASA should recognize that soaring flight in or near cloud is of a fundamentally different nature from IFR flight in powered aircraft; that for most of the time it involves flying near but not withi cloud, according to precisely the same conditions of skills and airmanship as other VFR soaring flight; that, by its nature, soaring flight involves a greater awareness of and concentration upon other nearby aircraft and geography; and that there is no evidence of a safety nature to prompt a change from current practice. EASA may wish to consider that, since no sensible pilot would undertake instrument-based flight within cloud without prior instruction, there is already a structure of defacto IFR instruction even where no formal rating results, and in some states there are indeed well-developed syllabi for glider IFR training. EASA could choose to allow existing privileges and practices to continue, or introduce a gliding IFR licence, or adopt the BGA proposal of a cloud-flying endorsement. I support the latter, as it offers a formal and therefore internationally recognizable version of current best practice.

response *Noted*

Please see the reply to comment 810 above.

<p><b>B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1: Common Requirements — FCL.615 IR — Theoretical knowledge and flight instruction</b></p>	<p>p. 31-32</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------

comment 447 comment by: *AK Aviation GmbH*

It absolutly does not make sense to prescribe an integrated training course or a modular course. The majority of aspirants of an PPL/IR are people who are highly engaged in their jobs or their own companies. So of course they do not

have the time available to visit an integrated training course (actually 200 hours prescribed in Germany!!!) or to do a modular course. It is not the legislators task to prescribe how an PPL/IR aspirant acquires his knowledge. The legislator only has to check if the aspirant has acquired the knowledge, not how he has.

Moreover, the amount of theory stuff is far too much. Actually it is based on the ATPL theory that includes huge amounts of stuff an PPL/IR pilot never will need while flying his piston-powered Cessna, Mooney, Cirrus etc. under IFR.

The legislator should do everything possible to enable all privatpilots doing the IR in an uncomplicated way so it is possible for them flying small aircraft IFR.

In the USA the percentage of IR-holders is about 10 times higher than in Europe! This is because of the possibility to do the IR in a very practical schooling without any obligatory blown-up theory courses.

An easy to reach IR by a pragmatic training would highly increase flying safety in Europe General Aviation!

response *Noted*

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

NPA 2008-17a, Appendix I — Explanatory memorandum to Part-FCL, A. Explanatory Note, number 36 (page 26) indicates that there are no substantive differences with the content of JAR-FCL 1.

Under JAR-FCL 1 there was also the integrated training course or a modular course.

The Agency considers that this is sufficiently open.

As for your comment on the amount of theoretical knowledge: all comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment *515*

comment by: *Otto Karlig*

To prescribe an PPL/IR applicant doing an integrated or modular training course is the main reason that prevents PPL holders doing their IR! The usual PPL/IR applicant is highly engaged in his job or his own company and does not have the time doing theory knowledge courses. The legislators job is only to check if the applicant has the necessary knowledge; the legislator should not prescribe how he reaches this knowledge.

Another aspect is the enormous amount of theory stuff. Just a fraction is needed for a PPL/IR pilot to fly his Cessna, Mooney, Cirrus... under IFR. The theory knowledge, which is based on ATPL stuff, has to be cleared out!

Those are two reasons that cause, that the percentage of PPL+IR holders in the USA is about 10 times higher than in Europe!

The EASA has to enable European pilots doing their IR in an uncomplicated and pragmatic way so they can use their aircraft for flying from A to B for business or private travel. EASA should set the US regulation as a benchmark and do things better or equal.

Furthermore this would absolutely improve GA safety in Europe!

response *Noted*

Please see the reply to comment 447 above.

comment *811*

comment by: *Robert Corbin*

add clause:

*(a)(3) a sailplane cloud flying course in accordance with Appendix 6 to this part.*

Appendix 6 will also need to be amended to include a section on the training requirements suitable to enable a sailplane to fly in cloud.

*(c) SPL and LPL(S) need only a skill test and are exempt from the requirements of subsection (b).*

Sailplanes cannot maintain a level or heading and so cannot be controlled in IMC in the same manner as other aircraft categories. The IFR rating for sailplanes will thus be more restricted to the needs to gain height and not in controlled airspace. Air law, aircraft general knowledge, flight performance and meteorology should already be covered by the basic SPL or LPL(S) examination. Radio navigation and IFR communications will not be relevant to gliders.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 985

comment by: *CAA Belgium*

*(b) Air Law is missing in the Appendix2.  
There also seem to be several mistakes for the other subjects.*

response *Noted*

In Appendix 2 there is indeed the item 'Air Law' missing. Appendix 2 has to be in compliance with Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008. This is an omission and the text will be amended accordingly.

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment 1104❖

comment by: *Swedish Transport Agency, Civil Aviation Department  
(Transportstyrelsen, Luftfartsavdelningen)*

**Comment:** The text should be changed so it is uniform with LPL and PPL  
**Proposal:** ...shall demonstrate to the competent authority a level of knowledge...

response *Not accepted*

The text of FCL.120 (for LPL) and FCL.215 (for PPL) concerning the Theoretical knowledge examinations should be uniform with the text of FCL.310 (for CPL), FCL.515 (for ATPL) and FCL.615(IR). It's the other way around from your

comment.

The Agency will redraft FCL.120 and FCL.215 and delete the reference to the competent authority.

comment

1125

comment by: *KLSPublishing*

615 (a) There should be a third option: self-study.

There is no reason, except that the FTOs would object to it, to not offer the possibility to learn the syllabus objectives by the student itself and then apply for the examination.

(b) According to this draft, the theoretical syllabus for IR has even been extended. For example: With Meteorology the learning objectives of climatology are know part of the game.

In my opinion this is b y f a r t o o m u c h theory. In 2006 I have sent a complete new assignment list for IR in the syllabus to the JAA authority (I never got an answer), reducing the LOs by appr. 50 %.

The objective in my opinion must be to keep this in balance with the FAA IR requirements to prevent a large amount of license tourism.

response

*Not accepted*

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

NPA 2008-17a, Apendix I — Explanatory memorandum to Part-FCL, A. Explanatory Note, number 36 (page 26) indicates that there are no substantive differences with the content of JAR-FCL 1.

Under JAR-FCL there was no option for self-study. Next to that, the option for self-study would not be in compliance with the requirements from paragraph 2.7 Instrument Rating of Annex 1 to the Convention on International Civil Aviation (ICAO).

Please also see the reply to comment 810 above.

comment

1545

comment by: *IAN*

Appendix 3 was missing from the version viewed online

response

*Partially accepted*

Appendix 3 can be found at page 82 of NPA 2008-17b.

If you try to find Appendix 3 via the bookmark list of the CRT tool you find twice Appendix 2 with a different title. The second Appendix 2 from the bookmark list should be written 'Appendix 3'. The title is the right one: 'Training courses for the issue of a CPL, an ATPL and an IR'. This bookmark will be amended in Appendix 3.

comment

1976

comment by: *Nigel Roche*

The page break for page 31 of 647 comes after " - Air Law" which has the effect of breaking the list of requirements. The document would be easier to read and comply with if the use of page breaks and widows and orphan text was observed.

response

*Noted*

The Agency does not see the effect of breaking the list of requirements, because the requirements continue on the next page.

It is also a matter in which font or font size you read or print the document. Even in official documents from the European Union, like the Basic Regulation 216/2008 itself, published in the Official Journal of the European Union, there are breakings from list because the list continues on the next page (see Article 8, under 6).

comment **1985** comment by: *Nigel Roche*

The duration of this course is not given here but refers the reader to appendix 6. I would suggest it would be better to give a table of hours required here.

response **Noted**

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

Under JAR-FCL 1, the duration of the course was also given in an appendix, namely Appendix 1 to JAR-FCL 1.205.

comment **3235** comment by: *G rard VOLAN*

**IR theoretical knowledge .. (FCL 615) and Appendix 3 ( training courses for the issue.;)**

This wording trends to make one's belief there are 2 possible options to get IR rating for all categories of pilots, whether they are private or professional, Looking at appendix 3, details of (1) option- integrated course- entirely denies such a possibility, as it requires *500 hours of theory Instruction and 180 hours for flying training*, which is totally unpractical-economically and operationally- for a private pilot.

response **Noted**

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

NPA 2008-17a, Apendix I — Explanatory memorandum to Part-FCL, A. Explanatory Note, number 36 (page 26) indicates that there are no substantive differences with the content of JAR-FCL 1.

Both FCL.615 and Appendix 3 are referring to the different types of training courses for the issue of a CPL, an ATPL, and an IR.

comment **3394** comment by: *Richard DUMAS, PPL(A)*

**Simplifier les exigences pour l'IR Th orique :**

- en restreignant le cursus th orique au strict n cessaire
- en autorisant le self-training

Raisons du commentaire :

a) Les JAR.FCL ont ferm  l'IR aux pilotes priv s. Le NPA ne corrige pas cette ab ration, au contraire :

- l'utilisation d'un IR FAA est m me rendu plus difficile

- en l'état du NPA, l'IMC rating UK est interdit

b) L'aviation générale certifiée Française va donc continuer à avoir un taux d'accident mortel par hdv double de celui du UK (IMC rating) ou des US (IR accessible au privé), un écart qui, sur les 5 ans d'existence de l'ESEA, a représenté plus de 100 morts. Plus grave : la sécurité au UK va désormais se dégrader.

**Quand l'EASA – où le S signifie safety, consciente de son devoir vis-à-vis de cette hécatombe, adressera-t-elle cette question de sécurité et favorisera-t-elle l'accès des pilotes privés au vol en IMC - donc en IFR ?**

Enfin, il est très regretté que, dans ce NPA qui crée une licence "dirigeable" qui ne concerne qu'une poignée de pilotes en Europe - l'EASA ne traite ni de la reconduction ni de la généralisation Européenne de l'IMC rating du UK souhaitées par des milliers de pratiquants ?

response *Noted*

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

NPA 2008-17a, Apendix I — Explanatory memorandum to Part-FCL, A. Explanatory Note, number 36 (page 26) indicates that there are no substantive differences with the content of JAR-FCL 1.

a. Under JAR-FCL there was no option for self-study. Next to that, the option for self-study would not be in compliance with the requirements from paragraph 2.7 Instrument Rating of Annex 1 to the Convention on International Civil Aviation (ICAO).

b. It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment **3835**

comment by: *Luftfahrt-Bundesamt*

FCL.615:

Regarding FCL.615 (b), „Flight Performance and Monitoring“ should read „Flight Planning and Monitoring“

response *Noted*

In Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008, under (iv) is written 'flight performance'. The text here in paragraph FCL.615 is in compliance with this Annex.

All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.

comment

4026

comment by: *Steven Luys*

I am a European private pilot with a JAA PPL(A) license. I have a FAA instrument rating for which I almost entirely trained in European airspace, with a European instructor, and I now fly almost exclusively under IFR in the European airspace system on American registered airplanes. I believe that my private flying has become much safer due to the training, and I feel safer in the air when being controlled by ATC and fly according to well established IFR procedures. The reason that I did not choose to obtain a JAA instrument rating was purely based on its inflexibility, time consumption, cost and perceived theoretical redundancy. I am not bound to anything American other than the instrument rating itself would have costed 4 times the price according to JAA as compared to FAA. I am convinced that there is no safety case why such instrument rating should cost 4 times the price and should force me into a classroom for 30 Saturdays.

I strongly urge EASA to design a legislation that allows ICAO instrument rated private pilots to obtain a EASA Instrument Rating without going through major loss of time or cost. I don't mind to pick up some difference flight training (say 10hrs) and theoretical training (say instrument related air law) if needed, but not redoing the whole exercise. Either crediting ICAO instrument time, or instrument training up to 40 hours of the required 50 hr IFR training is doable. Or leave it to an instrument instructor, or examiner to decide how much extra training would be required.

Secondly, I strongly recommend making a private instrument rating more accessible to private pilots. Reason: IFR flying improves the safety of private flying. Please do not reason that instrument rated private pilot seek to take more risk. I am not. I don't go flying into icing clouds, I don't bust altitudes or disrupt traffic around busy airports. I don't fly if the ceiling is too low. I find flying above 4000 ft AGL in Europe very empty, for lack of private pilots (on IFR flight plans) and hence safer.

A EASA instrument rating can be made simpler by making the theoretical syllabus more simple, by dropping the mandatory class room sessions (people who can afford it have a busy working life), and by dropping the mandatory expensive FTO route, because FTOs tend to restrict the airplanes on which you can train to their own overcharged line-up. I trained with an independent instructor on a private owned aircraft and I got an extremely good service for a decent price.

response

**Noted**

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment	<p>5413 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p>
	<p>Regarding FCL.615 (b), „Flight Performance and Monitoring“ should read „Flight Planning and Monitoring“</p>
response	<p><i>Noted</i></p>
	<p>In Annex III, 1.b, Theoretical knowledge, of the Basic Regulation 216/2008, under (iv) is written ‘flight performance’. The text here in paragraph FCL.615 is in compliance with this Annex.</p> <p>All comments related to Theoretical Knowledge Syllabus for the ATPL, CPL and IR (Appendix 2) will be reviewed by Rulemaking Task FCL.002.</p>
comment	<p>6534 <span style="float: right;">comment by: <i>IAOPA Europe</i></span></p>
	<p>A PPL-IR is still missing. The knowledge requirements include turbine engines, autothrottle, Inertial Navigation, FMS. All this is irrelevant for PPL-holders flying typical GA aircraft and should be covered by Type Ratings, High Performance Ratings when required.</p> <p>IAOPA fully supports the EASA FCL.008 initiative for a more accessible IR!</p>
response	<p><i>Noted</i></p>
	<p>Thank you for your positive feedback.</p> <p>It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.</p> <p>One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>7585 <span style="float: right;">comment by: <i>Atlantic Training Support</i></span></p>
	<p>FCL.610(A)(1) delete ‘with a night rating in the appropriate category, or’</p>
response	<p><i>Partially accepted</i></p>
	<p>A CPL has already a night rating, ruled in paragraph FCL.315 and Appendix 3. The phrase ‘with a night rating’ in (a)(2) will be deleted.</p> <p>The reference to the appropriate aircraft category is because this paragraph is in section 1, common requirements, for all the categories of aircraft. It is not possible to have for example a CPL with a night rating for helicopters.</p>
comment	<p>7594 <span style="float: right;">comment by: <i>Hans Nobis</i></span></p>
	<p>It is incomprehensible why the instrument rating in Europe continues to require a pilot of a Cessna 172, to demonstrate comprehensive knowledge of</p>

turboprop and jet power plants. As a logical step in the past, many ambitious pilots have chosen to acquire the US IFR rating which is **far more in step with practice**.

It almost seems as though unwelcome competition should be excluded by rigid regulations, instead of focusing primarily on safety aspects and easy bilateral accreditation. This is absurd in an increasingly networked global world economy.

Therefore I propose to implement a trimmed down and adapted IR for Private Pilot needs and possibilities.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

One objective of this task is to review the JAR-FCL requirements for the Instrument Rating (IR) with the aim to make the IR more accessible for the PPL licence holder.

The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment *7830*

comment by: *Ulrich Ablassmeier*

A theoretical course should not be mandatory. It is not important how a student gets the knowledge but that he has the knowledge and this is tested in the examination.

At many flight schools there are no courses. They sell special and very expensive books which are acknowledged as courses for self study. If the course is not mandatory cheaper books would do. This would reduce cost and the student is free to learn as he likes.

response *Noted*

The Agency follows closely paragraph JAR-FCL 1.195 and JAR-FCL 1.205.

NPA 2008-17a, Apendix I — Explanatory memorandum to Part-FCL, A. Explanatory Note, number 36 (page 26) indicates that there are no substantive differences with the content of JAR-FCL 1.

Under JAR-FCL 1 the theoretical course was also mandatory.

comment *8075*

comment by: *Lasham gliding society*

By excluding sailplanes from being able to have any kind of instrument qualification you are removing the priviledge of flying near or in cloud that glider pilots often use when flying.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be

submitted to public consultation, and on which you will be able to place your comments.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1:  
Common Requirements — FCL.620 IR — Skill test**

p. 32

comment 812 comment by: *Robert Corbin*

Amend clause (a) to read

*(a) Applicants for an IR shall pass a skill test in accordance with Appendix 7-A to the Part, or in the case of SPL or LPL(S) in accordance with Appendix 7-B to the Part to demonstrate the ability to perform the relevant procedures and manoeuvres with a degree of competency appropriate to the privileges granted.*

The skill test as detailed in Appendix 7 is mostly not relevant to the characteristics of sailplane flight and so an additional appendix part will be required specifically for sailplanes cloud flying.

response *Not accepted*

Applicants for an IR shall pass a skill test in accordance with Appendix 7. The first part of the Appendix 7 contains requirements for all the categories of aircraft mentioned in the second part of Appendix 7 under 'Content of the test'. There you find the category A for aeroplanes, B for helicopters and C for airships. This means that for example for aeroplanes you have to comply with the requirements from the first part and then with the special requirements for aeroplanes under A; same way for the helicopters and airships.

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to place your comments.

comment 3628 comment by: *M Wilson-NetJets*

FCL.620(b)

- Proposed wording does not all for the propect of taking the test in a centreline thust twin. The unique aspects of this aircraft type should be included in the proposal.

Suggestion:

add "If the aircraft used to conduct the skill test has centre-line thrust, the privileges are restricted to single engine or multi engine with centre line thrust"

response *Not accepted*

The Agency follows closely the system of JAR-FCL (see paragraph JAR-FCL 1.210(c), where there was no such limitation of privileges as you suggest in your suggestion. The Agency is not aware of any evidence that the current wording poses a safety risk, and therefore has decided not to change it.

The Agency will however add the reference to the centreline thrust as it was mentioned under paragraph JAR-FCL 1.210(c).

comment 3682 comment by: OAA Oxford

Proposed wording does not allow for the prospect of taking the test in a centreline thrust twin. The unique aspects of this aircraft type should be included in the proposal. Suggestion: add "If the aircraft used to conduct the skill test has centre-line thrust, the privileges are restricted to single engine or multi engine with centre line thrust.

response *Not accepted*

Please see the reply to comment 3628 above.

comment 5469 comment by: UK CAA

**Paragraph:** FCL620 (a) IR skill Test

**Page No\*:** 32 of 647

**Comment:** Nowhere does it require the training or skill test to be conducted by sole reference to instruments

**Justification:** IRT must demonstrate instrument flying skills: this cannot be done if the applicant can see external visual references.

**Proposed Text: (if applicable)**

Applicants for an IR shall pass a skill test flown by sole reference to instruments in accordance with.....

response *Partially accepted*

Your comment that there is not a requirement that the training or skill test must be conducted by sole reference to instruments is right. This was not the case under the JAR-FCL either.

The Agency sees however the need for this requirement and after consulting the Review group FCL.001 decided to change Appendix 7 and add in paragraph 10 starred (\*\*) items in the different sections where there shall be flown solely by reference to instruments.

comment 7196 comment by: CHC Europe EASA Ops Team - representing 550 pilots across Europe

(b) Does this mean the skill test cannot be conducted in an approved simulator? If not, could justification be included.  
Request clarification.

response *Noted*

The skill test must be conducted in an aircraft.

This was already regulated under JAR-FCL. The only exception JAR-FCL made was in paragraph 1.246(a) after (III) in a specific case for revalidation.

comment	7242	comment by: ECOGAS
	<p>Proposed wording does not all for the propect of taking the test in a centreline thrust twin. The unique aspects of this aircraft type should be included in the proposal.</p> <p>add the following to para (b): "If the aircraft used to conduct the skill test has centre-line thrust, the privileges are restricted to single engine or multi engine with centre line thrust."</p>	
response	<i>Not accepted</i>	
	Please see the reply to comment 3628 above.	
comment	7589	comment by: Atlantic Training Support
	<p>FCL.620(b) add ' if the aircraft used to conduct the skill test has centre-line thrust, the privileges are restricted to single engine or multi-engine with centre-line thrust'</p>	
response	<i>Not accepted</i>	
	Please see the reply to comment 3628 above.	

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 1:  
Common Requirements — FCL.625 IR — Validity, revalidation and renewal**

p. 32

comment	102	comment by: Michel Lacombe AF TRTO
	<p>I understand from this article that every IR renewal has to be made on an aircraft. Am I right ???</p> <p>If yes, can we image men and women being pilots on large aircrafts (747-777..) having to come back to a school doing some twin engines planes to renew their IR ???</p> <p>They (for the most) will feel better in their previous plane and FFS than on a twin engines they have never seen and working in crew (which is the job they are paid for) than as a single pilot.</p> <p>In that case, may I suggest to keep the spirit of the revalidation :</p> <p>(1) When combined with the revalidation of a class or type rating, shall pass a proficiency check on FFS, in accordance with Appendix 9 to this Part;</p> <p>(2) when not combined with the revalidation of a class or type rating, shall performed a proficiency check on aeroplane.</p> <p>New text :</p> <p><b>FCL.625 IR Validity, revalidation and renewal</b></p> <p>(a) <i>Validity</i>. An IR is valid for 1 year. This period shall be counted from the date of issue or renewal or, if the rating is revalidated before its expiry date, from that expiry date.</p> <p>(b) <i>Revalidation</i>.</p>	

(1) An IR shall be revalidated within the 3 months immediately preceding the expiry date of the rating.

(2) An applicant who fails to pass the relevant section of an IR proficiency check before the expiry date of the IR shall not exercise the IR privileges until he/she has passed the proficiency check.

(c) *Renewal*. If an instrument rating has expired, in order to renew his/her privileges the applicant shall:

(1) go through refresher training at an approved training organization, to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and

(2) complete a proficiency check in accordance with Appendix 9 to this Part, ~~in the relevant aircraft category.~~

(d) If the IR has not been revalidated or renewed within the preceding 7 years, the holder will be required to pass again the IR theoretical knowledge examination and skill test.

response *Not accepted*

It was not the intention of the Agency to exclude the possibility of having the IR renewal made in an FSTD. That should be clear by the reference to Appendix 9, which indicates clearly that FSTDs may be used. The reference to aircraft category is included, and is necessary to make clear that a proficiency check in an aeroplane (or an FSTD representing the aeroplane) will not renew an IR(H). That is the meaning of the sentence that you suggest should be deleted. It does not mean that the check needs to be done in an aircraft.

comment 349

comment by: *Colm Farrell*

The 1 year validity period is not appropriate for a private pilots licence. This should be changed to a 2 year period.

Revalidation for a private pilots licence should be by further training, similar to the revalidation of the underlying pilots licence. Revalidation by test should only be required every 6 years for an IR attached to a private pilots licence.

The annual test will put off pilots training for this rating, for private purposes. The additional training should be encouraged as it helps to improve safety.

response *Not accepted*

The validity period of 1 year in paragraph FCL.625(a) is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.185(a).

comment 494

comment by: *FOCA Switzerland*

G/Section 1

**FCL.625(a) Validity: Is in contradiction with AR:FCL.215**

**FCL.625 (b)(1): "shall" is not acceptable. Check can be done on any date.**

**FCL.625 (d) With regard to FCL.025 (c) (2) similar text is required.**

	<p>Proposal</p> <p>If the IR has not been <b>revalidated or renewed within 7 years from the last validity date of the IR entered in the licence, the holder will be required to pass the IR theoretical knowledge examination and skill test again.</b></p>
response	<p><i>Not accepted</i></p> <p>The validity period in paragraph FCL.625(a) doesn't contradict paragraph AR.FCL.215. In fact, they are complementary, and together mean exactly what is intended in your comment. However, the text will be amended accordingly. Please see the reply to comment 3814 below.</p> <p>The use of 'shall' in paragraph FCL.625(b)(1) is not a new requirement and existed already under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a). It also does not mandate the proficiency check to be passed at a certain date, as you seem to have understood, but 'within' a certain period.</p> <p>The requirement in paragraph FCL.625(d) is not a new requirement and existed already under JAR-FCL. The requirement has been taken over in the same wording from paragraph JAR-FCL 1.185(c). This requirement is about the renewal or revalidation of the IR. Paragraph FCL.025(c)(2) applies to something different: the validity period of the completion of the ATPL.</p> <p>Furthermore, the Agency does not see the difference between your proposal and the text of the NPA. The meaning of both texts seems to be exactly the same. Of course the 7 years count from the last expiry date entered in the licence.</p>
comment	<p>562 <span style="float: right;">comment by: <i>Rod Wood</i></span></p> <p>(b)(2) line one after .....fails add "to".</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment. The text will be amended accordingly.</p>
comment	<p>628 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p> <p>(c) Strongly disagree. There can be no valid reason to require refresher training for all expired ratings. This will require training for a renewal of a rating that has expired by just one day. There should be a reasonable time after expiry before training is required before test.</p>
response	<p><i>Noted</i></p> <p>The requirement in paragraph FCL.625(c) for renewal of an IR is not a new requirement and existed already under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b). Please see also the reply to comment 1266.</p>
comment	<p>813 <span style="float: right;">comment by: <i>Robert Corbin</i></span></p>

Add to the clause:

*(a) (2) Validity for SPL and LPL(S) is indefinite.*

The requirement to revalidate and renew yearly will impose significant burden on gliding examiners where the costs would be disproportionate to the safety gain in demonstrating that the pilot can safely control the glider in cloud. The two main risks in cloud flying are collisions with other aircraft and losing control and overspeeding or overstressing the airframe. The former is not a flight licencing issue whereas the skill of maintaining control once learnt is not likely to be forgotten after one year. Glider pilots are aware of the risks of flying and have accepted them. The law and licences should not protect them from themselves but should only be in place for the protection of third parties. There are no third parties in a loss of control incident.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to place your comments.

comment *987*

comment by: *CAA Belgium*

(c) in case of renewal a certain standardisation of the refresher training programme should be provided in proportion with the period during which the IR has expired.

response *Noted*

The requirement in paragraph FCL.625(c)(1) for the refresher training for a renewal is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b)(1)(i).

If you look at AMC to paragraph FCL.635(c) (page 361 of this NPA) you will see that the time lapsed since the expiry of the rating is taken into account for the training programme.

Please see also the reply to comment 1266.

comment

*1102*

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:** This should be changed to be uniform with the requirements for ATPL-theory. Ref. FCL.025 c (2) page 6. As it is written, the IR is valid 7 years from *renewal/revalidation*, but the ATPL theory is valid 7 years from *last validity date*. This gives a difference of one year in validity of the theoretical examinations.

**Proposal:** If the IR has not been revalidated or renewed within 7 years from the last validity date of the IR, the holder will be required to pass the IR

	theoretical knowledge examination and skill test again.
response	<p><i>Noted</i></p> <p>Please see the reply to comment 494 above.</p>
comment	<p><b>1135</b> <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>The initial IR check has to be performed in an aircraft. Nothing is said for the revalidation or renewal. Is a FS, FNPT I or II or a BIDT acceptable ? Should be clarified.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 102 above.</p>
comment	<p><b>1145</b> <span style="float: right;">comment by: <i>KLSPublishing</i></span></p> <p>625 (a) In addition to what I have commented under FCL 600 in general, the valid time of just 1 year for the IR is too low. Most of the pilots in the area of General Aviation do not have enough time to keep track on the various revalidation issues with such a license, which orients itself completely on the commercial side.</p> <p>I suggest to extend the valid time to 2 years and synchronize it with the main Pilot License. As you can see on my graphics this would do no harm since the standard and the commercial license blocks are decoupled.</p> <p>Private IR-license holders in the US appr. 45 % (of PPL) Private IR-license holders in Germany &lt; 1 % (of PPL)</p>
response	<p><i>Noted</i></p> <p>The validity period of 1 year in paragraph FCL.625(a) is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.185(a).</p>
comment	<p><b>1266</b> <span style="float: right;">comment by: <i>PPL/IR Europe</i></span></p> <p>JAR-FCL 1.246 (b) currently reads: "<i>b) Renewal (1) If an instrument rating, has expired, the applicant shall (i) meet refresher training and additional requirements as determined by the Authority</i>"</p> <p>There is no current requirement that refresher training must be at an approved FTO and there is no safety case for introducing such a requirement. This imposes the scheduling and overheads of an organisation which is typically focused on integrated ATPL training. Any instrument instructor should be able to provide refresher training. The independent instructor community is also better placed to provide training on aircraft types outside the limited range available in FTO fleets.</p> <p>AMC to FCL.625 sensibly provides that no training is mandated if the rating has expired by less than 3 months. Therefore a candidate should be able to present themselves to an IRE for a skill test without the bureaucracy of going through an instructor or FTO. Additionally, this period should be increased to 6 months.</p> <p>Our proposed wording is</p>

*(c) Renewal. If an instrument rating has expired, in order to renew his/her privileges the applicant shall:*

*(1) complete a proficiency check in accordance with Appendix 9 to this Part, in the relevant aircraft category; and*

*(2) If the rating has expired by more than 6 months, go through refresher training, with an instrument instructor, to reach the level of proficiency needed to pass the proficiency check*

[AMC to FCL.625(c) will require appropriate amendment]

response *Not accepted*

After consulting the Review group FCL.001 it has been decided that the text of paragraph FCL.625 in this context, and the AMC to FCL.625, will not be amended. This means that all training will be done under the supervision of an ATO.

comment *1314*

comment by: *Bristow Helicopters*

(a) Change Validity to:

An IR is valid for 1 year. This period shall be counted from the **end of the month** of the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date.

Justification:

This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.

(b)(2) Insert **to** in "An applicant who fails **to** pass"

Justification: Typographical error.

response *Partially accepted*

Please see the replies to comments 494 and 3814.

Editorial comment accepted. The text in paragraph FCL.625(b)(2) will be amended accordingly.

comment *1977*

comment by: *Esko RUOHTULA*

According to draft FCL.625 (b) and (b) an IR is valid for one year and it shall be revalidated within three months preceding the expiry date. This short window available for revalidation is unnecessarily restrictive if a pilot has several type/ class ratings. Consider a pilot who has three type ratings, one that expires in September, one that expires in January and one that expires in May. As I read the draft, he has only one IR that expires e.g. together with the first TR in September. If he doesn't need this type rating any more and doesn't fly a proficiency check in July - September, his IR expires. He has two valid type ratings but he may not fly IFR without approaching competent authority and paying for a new licence as the proficiency checks (that included the instrument flying part) for these remaining ratings were outside of the three month window for revalidating his IR.

To avoid this kind of situations I propose to combine FCL. 625 (a) and (b) and to replace the draft text with following:

FCL.625 IR – Validity, revalidation and renewal.

*(a) Validity and revalidation.*

- (1) When issued or renewed an IR is valid for 12 months from the end of the month of issue or renewal.
- (2) When a proficiency check for revalidation or renewal of a type or class rating includes the instrument element, the IR is revalidated to expire at the same date as that type or class rating.
- (3) When revalidation is not combined with class or type rating, an IR shall be revalidated within 3 months immediately preceding the expiry date of the rating and is valid for 12 months from that expiry date.

response *Not accepted*

Please see the replies to comments 494 and 3814.

comment 2032

comment by: *Nigel Roche*

(b) *Revalidation.*

(1) An IR shall be revalidated within the 3 months immediately preceding the expiry date of the rating.

I would suggest rewording of (1) as follows to make it clearer to the reader.

Revalidation of an IR shall be completed within three months of the ratings expiry date.

or

If the holder of an IR revalidates the rating within three months of the expiry date, the 12 month validity of the IR will be taken from expiry date, not the actual test date.

response *Noted*

The text of paragraph FCL.625(b)(1) for the revalidation period of 3 months is an exact copy of the text of paragraph JAR-FCL 1.246(a).  
The Agency considers this text clear enough to the reader.

comment 2033

comment by: *Nigel Roche*

b) *Revalidation.*

(2) An applicant who fails pass the relevant section of an IR proficiency check before the expiry date of the IR shall not exercise the IR privileges until he/she has passed the proficiencycheck.

Insert " to " between "who fails pass" so it reads "who fails to pass"

response *Accepted*

Thank you for your comment.  
The text will be amended accordingly.

comment 2124

comment by: *British International Helicopters*

(a) Change Validity to:

An IR is valid for 1 year. This period shall be counted from the **end of the month of** the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date.

Justification: This is already allowed elsewhere in the rules, but it would be

	<p>more elegant for the basic validity period to reflect this to avoid confusion.</p> <p>(b)(2) Insert <b>to</b> in "An applicant who fails <b>to</b> pass"</p> <p><b>Justification:</b> Typographical error.</p>
response	<p><i>Partially accepted</i></p> <p>Please see the replies to comments 494 and 3814. The text in paragraph FCL.625(b)(2) will be amended accordingly.</p>
comment	<p>3629 <span style="float: right;">comment by: <i>M Wilson-NetJets</i></span></p> <p>FCL.625 (c)(1)</p> <ul style="list-style-type: none"> <li>Proposed wording does not allow for brief expiration period before renewal</li> </ul> <p>Suggestion: change "and" to "or"</p>
response	<p><i>Not accepted</i></p> <p>The requirement in paragraph FCL.625(c)(1) for the refresher training for a renewal is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b)(1)(i). In this paragraph you also find at the end of the sentence 'and' which means the applicant has also to fulfil the following requirement. In this case FCL.625(c)(2) and under the old regime of JAR-FCL, JAR-FCL 1.246(b)(1)(ii).</p> <p>Please see also the reply to comment 1266.</p>
comment	<p>3810 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL.625 IR "to" is missing ! (b) (2) An applicant who fails <u>to</u> pass the relevant section of an IR proficiency check before the expiry date of the IR shall not exercise the IR privileges until he/she has passed the proficiency check.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment. The text will be amended accordingly.</p>
comment	<p>3814 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL .625 (a)</p> <p>This wording is consistent with FCL.940 and FCL.1025 (a). Strokes elements are not consistent with AR.FCL.215 which says : <i>"When issuing, revalidating or renewing a rating or instructor certificate, the competent authority shall extend the validity period of the rating or instructor certificate until the end of the month in which the validity would otherwise expire. That date shall remain the expiry date of the rating or instructor"</i></p>

certificate."

Future work ! AMC to FCL.1025 should be withdraw and AR.FCL.215 amended as follow : "When issuing, revalidating or renewing a rating of instructor or examiner certificate, the competent authority shall .....b

**We propose the following modification :**

FCL .625 (a) should read : *Validity.* An IR ***shall be*** is-valid for 1 year. This period shall be counted from the date of issue or renewal or, if the rating is revalidated before its expiry date, from that expiry date.

response *Partially accepted*

The text of paragraph FCL.625 (a) will be amended accordingly.

The Agency does not understand your request to withdraw AMC to paragraph FCL.1025. In our view, it is not in contradiction with paragraph AR.FCL.215.

comment **3836**

comment by: *Luftfahrt-Bundesamt*

FCL.625:  
FCL.625 seems to be in contradiction to FCL.905.TRI because FCL.625 does not provide instructional requirements regarding the revalidation and/or renewal of an instrument rating (see our comment on FCL.905.TRI).

FCL.625 (b) (1) should state explicitly that the revalidation shall happen by means of a proficiency check.

response *Noted*

Paragraph FCL.625(b) for revalidation has to read together for (1) and (2). In (2) it is stated very clear that the applicant had to pass a proficiency check.

The text of paragraph FCL.905.TRI (a)(2) will be amended into: (2) the revalidation and renewal of instrument ratings, provided the TRI holds a valid instrument.

comment **3914**

comment by: *DCA Malta*

FCL.625 / FCL.740 / AR.215 Need to be harmonized

FCL.625 (b)(1) "shall" is not appropriate - it is possible that a check is done before the 3 months immediately preceding the expiry date.

response *Noted*

The use of 'shall' in paragraph FCL.625(b)(1) is not a new requirement and already existed under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a).

comment **4403**

comment by: *Bond Offshore Helicopters*

(a) Change Validity to:

An IR is valid for 1 year. This period shall be counted from the **end of the month of** the date of issue or renewal or, if the rating is revalidated before the

	<p>expiry date, from that expiry date. Justification: This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.</p> <p>(b)(2) Insert <b>to</b> in "An applicant who fails <b>to</b> pass"</p> <p>Justification: Typographical error.</p>
response	<p><i>Partially accepted</i></p> <p>Please see the replies above to comments 494 and 3814. The text in paragraph FCL.625(b)(2) will be amended accordingly.</p>
comment	<p>4644 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>(a) Change Validity to: An IR is valid for 1 year. This period shall be counted from the <b>end of the month of</b> the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date. Justification: This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.</p> <p>(b)(2) Insert <b>to</b> in "An applicant who fails <b>to</b> pass"</p> <p>Justification: Typographical error.</p>
response	<p><i>Accepted</i></p> <p>Please see the replies above to comments 494 and 3814. The text in paragraph FCL.625(b)(2) will be amended accordingly.</p>
comment	<p>4738 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>FCL.625(a) The validity period is counted from the date of issue or renewal, or if revalidated before expiry date, from that expiry date. This brings up several issues:</p> <p>First, for issue or renewal, the validity period should be counted from the date of the skill test/proficiency check. This is necessary for consistency. Just because one authority takes longer time in processing than another authority should not lead to a longer validity period from the date of the test/check. The counting should start on the date the candidate actually proves his/her skills or proficiency, not at a purely administrative point in time.</p> <p>Secondly: The last sentence of the para states that "...if revalidated before expiry date, from that expiry date". This does not make sense. As it is written, a candidate could do a skill test on day 1, then, 10 days later, do a proficiency check. As this para is written, he/she would then get another full validity period added to the rating. Then, 10 days later, do yet another proficiency check..... and he/she could indeed accumulate a very long validity this way. Anyway all revalidations have to be done prior to expiry date - otherwise it is a renewal, not a revalidation - so the sentence has to be re-written. This should also take into account the two possible revalidation scenarios: Within the last three months of validity (maintains same expiry date) and before the three last</p>

	months of validity (results in new expiry date, 12 months from date of proficiency check).
response	<i>Noted</i> Please see the replies above to comments 494 and 3814.
comment	4772 <span style="float: right;">comment by: <i>CAA Belgium</i></span> FCL.625.A Is in contradiction with AR.FCL.215 FCL.625/FCL740/AR.215: Validity, revalidation and renewal: Needs to be reviewed and harmonized with regard to structure, content, etc. (expect comment from Ireland).
response	<i>Noted</i> Please see the replies above to comments 494 and 3814.
comment	4773 <span style="float: right;">comment by: <i>CAA Belgium</i></span> (b) (1): "shall" is not acceptable: Check can be done on any date.
response	<i>Noted</i> The use of 'shall' in paragraph FCL.625(b)(1) is not a new requirement and already existed under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a).
comment	4821 <span style="float: right;">comment by: <i>Chris Gowers</i></span> FCL.625 (b) (2) Insert "to" between "fails" and "pass"
response	<i>Accepted</i> Thank you for your comment. The text will be amended accordingly.
comment	4858 <span style="float: right;">comment by: <i>HUTC</i></span> (a) Change Validity to: An IR is valid for 1 year. This period shall be counted from the <b>end of the month</b> of the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date. Justification: This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.  (b)(2) Insert <b>to</b> in "An applicant who fails <b>to</b> pass"  Justification: Typographical error.
response	<i>Partially accepted</i> Please see the replies above to comments 494 and 3814. The text in paragraph FCL.625(b)(2) will be amended accordingly.
comment	4967 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span>

	<p>Comment: editorial change underlined in (b)(2):  (2) An applicant who fails <u>to</u> pass the relevant section of an IR proficiency check before the expiry date of the IR shall not exercise the IR privileges until he/she has passed the proficiency check.</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment.  The text will be amended accordingly.</p>
comment	<p>5309 <span style="float: right;">comment by: <i>AEA</i></span></p> <p>Relevant text</p> <p>(c) <i>Renewal</i>. If an instrument rating has expired, in order to renew his/her privileges the applicant shall:  (1) go through refresher training at an approved training organisation, to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and  (2) complete a proficiency check in accordance with Appendix 9 to this Part, in the relevant aircraft category.</p> <p><b>Comment:</b>  (C) (1) is a new requirement not specified in JAR-FCL 1.185</p> <p><b>Proposal:</b>  (C)Renewal  If an instrument rating has expired, in order to renew his/her privileges the applicant shall complete a proficiency check in accordance with Appendix 9 to this Part, in the relevant aircraft category.</p>
response	<p><i>Not accepted</i></p> <p>The requirement in paragraph FCL.625(c)(1) for the refresher training for a renewal is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b)(1)(i).</p> <p>Please see also the reply to comment 1266.</p>
comment	<p>5362 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p><b>Comment:</b> This should be changed to be uniform with the requirements for ATPL-theory. Ref. FCL.025 c (2) page 6. As it is written, the IR is valid 7 years from <i>renewal/revalidation</i>, but the ATPL theory is valid 7 years from <i>last validity date</i>. This gives a difference of one year in validity of the theoretical examinations.</p> <p><b>Proposal:</b> If the IR has not been revalidated or renewed within 7 years from the last validity date of the IR, the holder will be required to pass the IR theoretical knowledge examination and skill test again.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 494 above.</p>
comment	<p>5415 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p>

FCL.625 seems to be in contradiction to FCL.905.TRI because FCL.625 does not provide instructional requirements regarding the revalidation and/or renewal of an instrument rating.

FCL.625 (b) (1) should state explicitly that the revalidation shall happen by means of a proficiency check.

response *Noted*

Paragraph FCL.625(b) for revalidation has to read together for (1) and (2). In (2) it is stated very clear that the applicant had to pass a proficiency check.

comment

5473

comment by: UK CAA

**Paragraph:**

FCL.625 – IR Validity, revalidation and renewal

**Page No\*:** 32 of 647

**Comment:**

Paragraph (b) (1) states the IR is valid for 1 year from date of issue. In the UK, we issue the IR from the date of the test completed for 12 months. If the IR validity is calculated from the date of issue the applicant could delay their application for a number of months and then apply for endorsement. This would mean that a longer period of 12 months between tests could be possible.

There is no provision to extend validity to the end of the month as required by NPA Part AR and to align with requirements for the Operator Proficiency Check.

Paragraph (d) states that the IR exams need to be passed when an IR has not been revalidated/renewed within the preceding 7 years. Does this apply as long as any IR has been revalidated/renewed (i.e in another category of aircraft). Could any other ICAO IR held be recognised and the 7 years expiry based on that?

**Justification:** Clarification

**Proposed Text: (if applicable)**

(a) Validity. An IR is valid for one year and the remainder of the month in which renewal would become due. This period shall be counted from the date of test, or if the rating is revalidated before its expiry date, from that expiry date.

response *Noted*

Please see the replies above to comments 494 and 3814.

comment

5483

comment by: UK CAA

**Paragraph:**

625/625.A

**Page No:** 32

**Comment:**

It is unclear as to whether any form of FSTD may be used to renew a single pilot IR either as part of an LPC or as a standalone item, especially as the column heading showing this information in Appendix 9 is blank. It can be implied that, as a relaxation to use a FTD 2/3 or FFS is given specifically in 625.A (a)(3), no such relaxation exists for renewals or revalidations when combined with a LPC. If the intention is that a FFS may be used for a combined

LPC/IR revalidation or renewal and for a standalone renewal in accordance with Appendix 9 then it seems unfair that a FFS is not acceptable for alternate revalidations (625.A (a)(3)). If an FFS is not acceptable for standalone renewals or for combined LPC/IRs then this should be stated.

**Justification:**

Clarification is required.

response *Partially accepted*

Due to the required standards for the devices as described in FSTD, only an FNPT II, FNPT II MCC or FFS can be used for stand-alone IR(A)-Revalidation. In combination with proficiency checks only a FFS can be used. The requirement to perform each alternate proficiency check in an aeroplane is the same as in JAR-FCL 1, Amendment 7.

The Agency will conduct a revision of all the references to the different kind of simulators in Part-FCL to ensure correctness and consistency.

comment

5485

comment by: UK CAA

**Paragraph:** 625.A

**Page No:** 32

**Comment:**

625.A(a)(3) allows the use of a FFS or FTD 2/3 for standalone revalidation. JAR-FCL allowed the use of FNPT 2 and these devices may be used for initial training for the IR. Very few current FNPT 2s are also FTD 2s. There are no fixed wing FTD 3s at present

**Justification:** This is an unnecessary restriction of current JAR-FCL rules.

**Proposed Text: (if applicable)**

Amend to read: 'An FNPT 2, FTD 2/3 or a FFS may be used in the case of paragraph (2), but at least each alternate proficiency check for the revalidation of an IR(A) in these circumstances shall be performed in an aeroplane.'

response *Partially accepted*

Please see the reply to comment 5483 above.

comment

5935

comment by: Icelandic CAA

(a) The reference to date of issue or renewal should be replaced by the date of skill test or proficiency check since the the validity of the rating should not depend on lead times of processing applications within the authority.

response *Not accepted*

The requirement in paragraph FCL.625(a) is not a new requirement and already existed under JAR-FCL under the same wording. The requirement has been taken over from paragraph JAR-FCL 1.185(a) were also is written 'date of issue or renewal'.

Please see also the reply to comments 494 and 3814 above.

comment

6292

comment by: DCAA

FCL.625 (b)(1): Text changed to: Revalidation of IR Rating can be done at any date

response	<i>Not accepted</i>	
	The requirement in paragraph FCL.625(b)(1) is not a new requirement and already existed under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a).	
comment	6542	comment by: <i>IAOPA Europe</i>
	To have IR Refresher courses only in a ATO is not reasonable. Any IRI can also offer the refresher training, an ATO environment is not necessary	
response	<i>Noted</i>	
	Please see the reply to comment 1266 above.	
comment	6895	comment by: <i>CAA CZ</i>
	para (a) Validity of rating cannot be counted as 12 or 24 months from the date of issue or renewal but from the date when the skill test was conducted to obtain the rating.	
response	<i>Noted</i>	
	Please see the replies above to comments 494 and 3814.	
comment	6900	comment by: <i>CAA CZ</i>
	FCL.625 (b)(1) When a requirement for renewal of the rating within 3 months before the expiry is applied, it should be stated what happens when the proficiency check is performed earlier, for example 4 months before the expiry date. For these cases it should be stated that validity of the qualification will be calculated from the date of passing the proficiency check, i.e. + 12 or 24 months.	
response	<i>Noted</i>	
	Please see the reply to comment 6292 above.	
comment	6944	comment by: <i>Austrian Aero Club</i>
	<b>FCL.625 IR – Gültigkeit, Verlängerung und Erneuerung (b) (1)</b> Es wird festgelegt, dass die Verlängerung einer Instrumentenflugberechtigung innerhalb drei Monaten vor dem Ablaufdatum erfolgen soll. Der Österreichische Aero Club schlägt eine Erweiterung auf drei Monate und bis zu drei Monate nach dem Ablaufdatum vor.	
response	<i>Noted</i>	
	Please see the reply to comment 6292 above.	
comment	7037	comment by: <i>CAA Norway</i>
	625(a) The validity period is counted from the date of issue or renewal, or if revalidated before expiry date, from that expiry date. This brings up several	

issues:

First, for issue or renewal, the validity period should be counted from the date of the skill test/proficiency check. This is necessary for consistency. Just because one authority takes longer time in processing than another authority should not lead to a longer validity period from the date of the test/check. The counting should start on the date the candidate actually proves his/her skills or proficiency, not at a purely administrative point in time.

Secondly: The last sentence of the para states that "...if revalidated before expiry date, from that expiry date". This does not make sense. As it is written, a candidate could do a skill test on day 1, then, 10 days later, do a proficiency check. As this para is written, he/she would then get another full validity period added to the rating. Then, 10 days later, do yet another proficiency check..... and he/she could indeed accumulate a very long validity this way. Anyway all revalidations have to be done prior to expiry date - otherwise it is a renewal, not a revalidation - so the sentence has to be re-written. This should also take into account the two possible revalidation scenarios: Within the last three months of validity (maintains same expiry date) and before the three last months of validity (results in new expiry date, 12 months from date of proficiency check).

response *Noted*

Please see the reply to comments 494 and 3814 above.

comment

7038

comment by: *CAA Norway*

[FCL.625\(b\)\(1\)](#)

This requires the revalidation to take place within the last 3 months of the validity. This is rigid, if a pilot for any reason wants to revalidate earlier, he/she should have that possibility. Of course, the new expiry date should then be counted from the date of the proficiency check. The only reason the 3 months were introduced in JAR-FCL was to keep the same expiry date, something that is not reflected here. It was never intended – nor serves any logic purpose – to restrict all revalidations to take place within these 3 months.

[This para should read "To keep the same expiry date, an IR shall be revalidated within...."](#)

[Then there needs to be inserted a new sentence covering revalidations done prior to these 3 months, resulting in the new expiry date.](#)

response *Noted*

Please see the reply to comment 6292 above.

comment

7110

comment by: *CHC Europe EASA Ops Team - representing 550 pilots across Europe*

(a) Change Validity to:

An IR is valid for 1 year. This period shall be counted from the **end of the month of** the date of issue or renewal or, if the rating is revalidated before the expiry date, from that expiry date.

Justification:

This is already allowed elsewhere in the rules, but it would be more elegant for the basic validity period to reflect this to avoid confusion.

	(b)(2) Insert <b>to</b> in "An applicant who fails <b>to</b> pass"  Justification: Typographical error.
response	<i>Partially accepted</i>  Please see the replies above to comments 494 and 3814. The text in paragraph FCL.625(b)(2) will be amended accordingly.
comment	<b>7248</b> <span style="float: right;">comment by: <i>ECOGAS</i></span>  Proposed wording "Renewal. If an instrument rating has expired, in order to renew his/her privileges the applicant shall: (1) go through refresher training at an approved training organisation, to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and" does not allow for brief expiration period before renewal Suggestion: change the final "and" to "or"
response	<i>Not accepted</i>  The requirement in paragraph FCL.625(c)(1) for the refresher training for a renewal is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b)(1)(i). In this paragraph you also find at the end of the sentence 'and' which means the applicant has also to fulfil the following requirement. In this case FCL.625(c)(2) and under the old regime of JAR-FCL, JAR-FCL 1.246(b)(1)(ii).  Please see also the reply to comment 1266 above.
comment	<b>7302</b> <span style="float: right;">comment by: <i>trevor sexton</i></span>  FCL.625 IR validity revalidation and renewal  (c) strongly disagree There can be no valid reason to require refresher training for all expired ratings, even when the rating has expired by one day. There should be a reasonable time before re test. no safety case.
response	<i>Noted</i>  The requirement in paragraph FCL.625(c) for renewal of an IR is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b). Please see also the reply to comment 1266.
comment	<b>8115</b> <span style="float: right;">comment by: <i>Wolfgang Lamminger</i></span>  To have IR Refresher courses only in a ATO is not reasonable. Any IRI can also offer the refresher training, an ATO environment is not necessary
response	<i>Noted</i>  Please see the reply to comment 1266 .

comment	<p>8208 <span style="float: right;">comment by: <i>Klagenfurter Flugsport Club</i></span></p> <p>(b) (1) Es wird festgelegt, dass die Verlängerung einer Instrumentenflugberechtigung innerhalb drei Monaten vor dem Ablaufdatum erfolgen soll. Wir schlagen vor, dass die Verlängerung in einem Zeitraum von drei Monaten vor und nach Ablaufdatum erfolgen kann.</p>
response	<p><i>Noted</i></p> <p>The requirement in paragraph FCL.625(b)(1) is not a new requirement and already existed under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a).</p>

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 2: Specific requirements for the aeroplane category — FCL.625.A IR(A) — Revalidation** p. 32-33

comment	<p>103 <span style="float: right;">comment by: <i>Michel Lacombe AF TRTO</i></span></p> <p>As not indicated, we may think, that this article means every IR renewal has to be made on an aircraft. If this is right, can we image pilots in companies after twenty years having to go to a school doing some twin engines planes just to renew their IR in single pilot ?? They will feel better in their plane or FFS than on a twin engines they have never seen and working in crew (which is the job they are paid for) than as a single pilot.</p> <p>May I suggest to keep the spirit of the revalidation :</p> <p><b>FCL.625.A IR(A) Revalidation and renewal</b> (a) <i>Revalidation</i>. Applicants for the revalidation of an IR(A):</p> <p>(1) When combined with the revalidation of a class or type rating, shall pass a proficiency check in accordance with Appendix 9 to this Part;</p> <p>(2) when not combined with the revalidation of a class or type rating, shall :</p> <p>(i) for single pilot aeroplanes, complete section 3b and those parts of section 1 relevant to the intended flight, of the proficiency check prescribed in Appendix 9 to this Part; and</p> <p>(ii) for multi-engine aeroplanes, complete section 6 of the proficiency check for single pilot aeroplanes in accordance with Appendix 9 to this Part by sole reference to instruments.</p> <p>(3) An FTD 2/3 or a FFS may be used in the case of paragraph (2), but at least each alternate proficiency check for the revalidation of an IR(A) in these circumstances shall be performed in an aeroplane.</p> <p>(b) <i>Renewal</i>. If an instrument rating has expired, in order to renew his/her privileges the applicant shall:</p> <p>(1) go through refresher training at an approved training organization, to reach the level of proficiency needed to pass the instrument element of the skill test in accordance with Appendix 9 to this Part; and</p>
---------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

(2) When combined with the revalidation of a class or type rating, shall pass a proficiency check in accordance with Appendix 9 to this Part;

(3) when not combined with the revalidation of a class or type rating, shall :  
 (i) for single pilot aeroplanes, complete section 3b and those parts of section 1 relevant to the intended flight, of the proficiency check prescribed in Appendix 9 to this Part; in the relevant aircraft category , and  
 (ii) for multi engine aeroplanes, complete section 6 of the proficiency check for single pilot aeroplanes in accordance with Appendix 9 to this Part in the relevant aircraft category by sole reference to instruments.

response *Noted*

It was not the intention of the Agency to exclude the possibility of having the IR renewal made in an FSTD. That should be clear by the reference to Appendix 9, which indicates clearly that FSTDs may be used.

See also the reply on your comment 102 on paragraph FCL.625.

comment

988

comment by: CAA Belgium

(a)(2)(i) "*and those parts of section 1 relevant to the intended flight*" is not clear.

Proposal: delete and replace by "and section 1".

response

*Not accepted*

If the requirement would be redrafted to 'and section 1' it will mean that all the manoeuvres/procedures apply. This does not necessarily have to be the case. This depends on the kind of intended flight. For that reason the Agency has written here 'and those parts of section 1 relevant to the intended flight'.

comment

1068

comment by: Swedish Transport Agency, Civil Aviation Department  
 (Transportstyrelsen, Luftfartsavdelningen)

**Comment:** An FTD 2 A has no visual system so it can't be used for revalidation of an IR (A). An FTD 2/3 H has a visual system, which means it can be used for IR (H).

There is no FTD 3 for aeroplane; only for H. An FNPT II A or an FNPT II MCC A can be used for revalidation of an IR (A).

**Proposal:** 3) An FNPT II A/II MCC A or a FFS A may be used in the case of paragraph (2), but at least each alternate proficiency check for the revalidation of an IR(A) in these circumstances shall be performed in an aeroplane.

response

*Accepted*

Your comment is correct that the used device needs to be equipped with a visual system as you need visual cues for decision making at the decision height. You are also right that there is no FTD 3 for aeroplane; only for H.

The Agency will conduct a revision of all the references to the different kind of simulators in Part-FCL to ensure correctness and consistency.

The Agency will redraft subparagraph (3) accordingly, but there is no need to add an (A) because FCL.625.A refers to the aeroplane category.

comment	<p>2914 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>(a)(2)(i) Change "<i>and those parts of section 1 relevant to the intended flight</i>" by "<i>and section 1</i>".</p> <p>Justification: Is not clear.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 988 above.</p>
comment	<p>3055 <span style="float: right;">comment by: <i>Peter SCHMAUTZER</i></span></p> <p>It is stated that instrument rating shall be revalidated within three months preceding the expiry date. This should be extended from three months before to three months after expiry date.</p>
response	<p><i>Noted</i></p> <p>The Agency assumes that your comment applies to FCL.625, while in FCL.625.A there is no mentioning of the 3 months revalidation period.</p> <p>The requirement of the revalidation within 3 months in paragraph FCL.625(b)(1) is not a new requirement and already existed under JAR-FCL. The text has been taken over from paragraph JAR-FCL 1.246(a).</p>
comment	<p>3196 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>New wording: (a)(2)(i) for single-pilot aeroplanes, complete section 3b <b>and section 1</b> of the proficiency check ...</p> <p>Justification: The proposed text is not clear.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 988 above.</p>
comment	<p>3837 <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span></p> <p>FCL.625.A: FCL.625.A (a)(2) (ii) is in contradiction to FCL.740.A (a) (4) and imprecise with respect to FCL.625.A (a) (2) (i). What are the requirements for a pilot with a type rating for a single pilot multi engine aeroplane? Section 3b and parts of section 1? Or section 6? Or section 3, section 6 and parts of section 1? And how come he is allowed to do the IR check and proficiency check for class/type rating separately when FCL.740.A (a) (4) requires a combination of the two?</p> <p>Actually, doing the IR- check separately from a proficiency check seems to make sense only for pilots with a SEP class rating due to its validity of two years whereas the validity of a IR rating is one year. Aeroplane class/types other than SEP require a proficiency check for revalidation every 12 months, thus FCL.740.A applies and a combination of IR check and proficiency check is required every 12 months.</p> <p>Apparently, the only reasonable application of FCL.625.A is towards pilots of</p>

SEP aeroplanes. In this respect FCL.625.A (a) (3) does not make any sense because FTD 2/3 and FFS are type specific devices and therefore generally do not apply to SEP. (by the way, whereas here it is written FTD 2/3 in FCL.625.H it is referred to FTD II/III. We suggest using one way of spelling consistently in the NPA throughout). FCL.625A (b) does not make any sense as well. How can an IR check on a SEP aeroplane be cross credited to a type specific IR check that needs to be conducted in conjunction with a type rating proficiency check? This definitely appears to be in contradiction with FCL.740.A and is considered as counterproductive with regard to an enhancement of Safety.

Therefore it is suggested to rework FCL.625.A in total:

FCL.625.A:

(1) Except for single-pilot single engine piston aeroplanes, applicants for the revalidation of an IR(A) shall pass a proficiency check in accordance with Annex 9 to this part.

(2) For single-pilot single engine piston aeroplanes, the applicants for the revalidation of an IR may choose to revalidate the IR(A) separately from a revalidation of the SEP class rating. The revalidation of an IR(A), if not combined with a revalidation of a class rating, shall comprise section 3 and those parts of section 1 relevant to the intended flight, of the proficiency check described in Appendix 9 to this part.

(Regarding cross crediting please note our comments on Appendix 8 to this Part)

response *Noted*

This comment is related to the comments in Subpart H on this issue. The Agency will take the same approach.  
Please see the replies to this issue in Subpart H.

comment 5363

comment by: *CAA Belgium*

**Comment:** An FTD 2 A has no visual system so it can't be used for revalidation of an IR (A). An FTD 2/3 H has a visual system, which means it can be used for IR (H).

There is no FTD 3 for aeroplane; only for H. An FNPT II A or an FNPT II MCC A can be used for revalidation of an IR (A).

**Proposal:** 3) An FNPT II A/II MCC A or a FFS A may be used in the case of paragraph (2), but at least each alternate proficiency check for the revalidation of an IR(A) in these circumstances shall be performed in an aeroplane.

response *Accepted*

Please see the reply to comment 1068 above.

comment 5416

comment by: *CAA Belgium*

FCL.625.A (a)(2) (ii) is in contradiction to FCL.740.A (a) (4) and imprecise with respect to FCL.625.A (a) (2) (i). What are the requirements for a pilot with a type rating for a single pilot multi engine aeroplane? Section 3b and parts of section 1? Or section 6? Or section 3, section 6 and parts of section 1? And how come he is allowed to do the IR check and proficiency check for class/type rating separately when FCL.740.A (a) (4) requires a combination of the two?

Actually, doing the IR- check separately from a proficiency check seems to make sense only for pilots with a SEP class rating due to its validity of two years whereas the validity of a IR rating is one year. Aeroplane class/types other than SEP require a proficiency check for revalidation every 12 months, thus FCL.740.A applies and a combination of IR check and proficiency check is required every 12 months.

Apparently, the only reasonable application of FCL.625.A is towards pilots of SEP aeroplanes. In this respect FCL.625.A (a) (3) does not make any sense because FTD 2/3 and FFS are type specific devices and therefore generally do not apply to SEP. (by the way, whereas here it is written FTD 2/3 in FCL.625.H it is referred to FTD II/III. We suggest using one way of spelling consistently in the NPA throughout). FCL.625A (b) does not make any sense as well. How can an IR check on a SEP aeroplane be cross credited to a type specific IR check that needs to be conducted in conjunction with a type rating proficiency check? This definitely appears to be in contradiction with FCL.740.A and is considered as counterproductive with regard to an enhancement of Safety.

Therefore it is suggested to rework FCL.625.A in total:

FCL.625.A:

(1) Except for single-pilot single engine piston aeroplanes, applicants for the revalidation of an IR(A) shall pass a proficiency check in accordance with Annex 9 to this part.

(2) For single-pilot single engine piston aeroplanes, the applicants for the revalidation of an IR may choose to revalidate the IR(A) separately from a revalidation of the SEP class rating. The revalidation of an IR(A), if not combined with a revalidation of a class rating, shall comprise section 3 and those parts of section 1 relevant to the intended flight, of the proficiency check described in Appendix 9 to this part.

(Regarding cross crediting please note our comments on Appendix 8 to this Part)

response

*Noted*

Please see the reply above to comment 3837.

comment

6034

comment by: *Finnish Aviation Academy*

**FCL.625.A IR(A)-Revalidation**

(a) Revalidation. Applicants for the revalidation of an IR(A):

(3) An FTD 2/3, **FNPT I/II** or a FSS may be used .....

*Also FNPT should be approved because FNPT is used for IR-training*

response

*Partially accepted*

For aeroplanes (A) para (3) should read:  
An FNPT II, FNPT II MCC or a FSS may be used ...

Please see also the reply to comment 1068 above.

comment

6415

comment by: *DCAA*

	<p>FCL.625.A (a)(3)  A need of method for recording of IR Proficiency Check conducted in FTD2/3 shall be established.</p> <p>The use of FNPT 2/3 shall be allowed</p>
response	<p><i>Noted</i></p> <p>For the first part of your comment:  Each alternate proficiency check for the revalidation of an IR(A) should be recorded in the logbook of the pilot.</p> <p>For the second part of your comment (use of FNPT II), please see the replies above to comment 1068 and 6034.</p>
comment	<p><b>6500</b> <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment:  Covered by FCL.605 (c)</p> <p>Proposed Text: <b>Delete (b)</b></p>
response	<p><i>Not accepted</i></p> <p>Paragraph FCL.605(c) is referring to Appendix 8 to Part-FCL and in Appendix 8 there is the cross-crediting of the IR part of a type or class rating proficiency check for A. Aeroplanes and B. Helicopters.</p> <p>Because the cross-crediting is already mentioned in paragraph FCL 625.A (b) <b>and</b> paragraph FCL 625.H(b), the Agency will redraft paragraph FCL.605 and delete subparagraph (c).</p>
comment	<p><b>7364</b> <span style="float: right;">comment by: <i>Finnish Aviation Academy</i></span></p> <p><b>FCL.625.A IR(A)-Revalidation</b></p> <p>(a) Revalidation. Applicants for the revalidation of an IR(A):</p> <p style="padding-left: 40px;">(3) An FTD 2/3, <b>FNPT I/II</b> or a FSS may be used .....</p> <p style="padding-left: 40px; color: blue;"><i>Also FNPT should be approved because FNPT is used for IR-training</i></p>
response	<p><i>Partially accepted</i></p> <p>Please see the reply to comment 6034 above.</p>
comment	<p><b>7590</b> <span style="float: right;">comment by: <i>Atlantic Training Support</i></span></p> <p>FCL.625(c)(1) change 'and' to 'or'</p>
response	<p><i>Not accepted</i></p> <p>The requirement in paragraph FCL.625(c)(1) for the refresher training for a renewal is not a new requirement and already existed under JAR-FCL. The requirement has been taken over from paragraph JAR-FCL 1.246(b)(1)(i). In this paragraph you also find at the end of the sentence 'and' which means the applicant has also to fulfil the following requirement. In this case FCL.625(c)(2)</p>

and under the old regime of JAR-FCL, JAR-FCL 1.246(b)(1)(ii).

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 3:  
Specific requirements for the helicopter category**

p. 33

comment	6736	comment by: CAA CZ
	References to FS, FFS, FTD 2/3, FTD II/III, FNPT II, FNPT II/III should be suitably harmonized through the whole NPA. Symbols used for synthetic devices sometimes follow JAR-FCL and sometimes have been changed. E.g. In the same requirement in JAR-FCL 1.246 (a)(2) FNPT II and FS is mentioned and corresponding requirement in FCL.625(a)(3) has amended this to FTD 2/3 and FFS.	
response	<i>Noted</i>	
	The Agency is aware of the different references to FS, FFS, FTD 2/3, FTD II/III, FNPT II, and FNPT II/III. The Agency will conduct a revision of all the references to FSTDs in Part-FCL to ensure consistency.	

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 3:  
Specific requirements for the helicopter category — FCL.625.H IR(H) —  
Revalidation**

p. 33

comment	372	comment by: REGA
	<p><b>STATEMENT</b></p> <p>According FCL.625H for the IR(H)-revalidation a prof check has to be performed on each helicopter the candidate intends to operate under IFR.</p> <p><b>PROPOSAL</b></p> <p>The IFR(H)-Revalidation shall be completed within a 24 months period on the base of one of the helicopter, the pilot is IFR-rated for (according his/her licence entries).</p>	
response	<i>Not accepted</i>	
	<p>In the Explanatory memorandum to Part-FCL, under Subpart G, number 32 (page 26), of NPA 2008-17a, is indicated that in relation to helicopters the FCL.001 group suggested that the system of JAR-FCL 2, according to which the instrument rating was specific, should be changed. The Agency agreed with this proposal; therefore the requirements of JAR-FCL 2 were amended as necessary to harmonise them with JAR-FCL 1.</p> <p>The wording of paragraph FCL.624.H(a)(1) for helicopters is harmonised with the wording of paragraph FCL.625.A(a)(1) for aeroplanes.</p> <p>The period of revalidation can be found in section 1, common requirements, from this Subpart G, under paragraph FCL.625.</p>	
comment	1604	comment by: Helikopter Air Transport GmbH / Christophorus Flugrettungsverein
	<b>STATEMENT</b>	

Accordinging FCL.625H for the IR(H)-revalidation a prof check has to be performed on each helicopter the candidate intends to operate under IFR.

**PROPOSAL**

The IFR(H)-Revalidation shall be completed within a 24 months period on the base of one of the helicopter, the pilot is IFR-rated for (according his/her licence entries).

response *Noted*

In the Explanatory memorandum to Part-FCL, under Subpart G, number 32 (page 26), of NPA 2008-17a, is indicated that in relation to helicopters the FCL.001 group suggest that the system of JAR-FCL 2, according to which the instrument rating was specific, should be changed. The Agency agreed with this proposal; therefore the requirements of JAR-FCL 2 were amended as necessary to harmonise them with JAR-FCL 1.

The wording of paragraph FCL.624.H(a)(1) for helicopters is harmonised with the wording of paragraph FCL.625.A(a)(1) for aeroplanes.

The period of revalidation can be found in section 1, common requirements, from this Subpart G, under paragraph FCL.625.

comment

3497

comment by: *SHA Guido Brun*

Statement: introduction of helicopter class ratings is required. Therefore IR revalidation should include classes of helicopters.

Proposal: (1) When combined with the revalidation of a type or class rating ...

response *Noted*

In Part-FCL there is no class rating for helicopters, similarly to JAR-FCL. The Agency sees no reason to change this system.

comment

3838

comment by: *Luftfahrt-Bundesamt*

FCL.625.H :

FCL.625.H (a) (1) requires the revalidation of an IR(H), if combined with the revalidation of a type rating, to be conducted on the relevant type of helicopter. This is well done and supported. But according FCL.625.H (a) (2) the revalidation of an IR(H), if not combined with a revalidation of a type rating, may be conducted in a FTD II/III or a FFS but at least each alternate for the proficiency check for the revalidation of an IR(H) under these circumstances shall be performed in a helicopter.

1st: the reference to 'at least each alternate the proficiency check for the revalidation of an IR(H)' is not clear since apparently this paragraph deals with a revalidation of an IR(H) that is not combined with a proficiency check.

2nd: whereas the combination with the proficiency requires the relevant type of helicopter, the relevant type of helicopter apparently does not play a role if IR(H) revalidation and proficiency check are not combined. Since this appears to be incomprehensible, we have to ask if this is really EASA's intention. Allowdly, an FTD II/III or an FFS are type specific devices, but according to FCL.625 any FTD II/III or FFS will do. Is that on purpose? This is as unspecific as the reference to 'a helicopter' in the same sentence. Should it not be a helicopter of the relevant type to ensure consistency with FCL.625. (a) (1) and,

more significant, ensure safety? In what do the relevant tasks that are related to an IR(H) revalidation conducted in combination with a proficiency check differ from the tasks if the check is conducted separately?

3rd: What is the cross-crediting according to FCL.625.H (b) all about? A close look to the appropriate part B of the Appendix 8 reveals that EASA intends to grant credits regardless of the helicopter type. This is absolutely incomprehensible because this is definitely in contradiction to FCL.625.H (a) (1). This is also in contradiction with Appendix 9 (see bottom of NPA 2008-17b, page 135, and the relevant part of the table referring to section 5 on pages 138 and 139. According to Appendix 9, all procedures/manoeuvres of section 5 need to be conducted on a helicopter of the relevant type, simply because the IR(H) privileges are specific to the helicopter type, for which the licence holder must be rated, qualified and proficient.

Thus, FCL.625.H is in contradiction to EASA's own pretension with regard to safety and therefore needs total reworking with respect to the following:

The requirements according to FCL.625.H (a) (1) should be transferred to FCL.740.H with respect to our comments on FCL.740.H.

In order to avoid any contradictions any requirement according to the contents of FCL.625.H.(a) (2) should read explicitly that the revalidation, if conducted in an FST II/III or FTD, shall be conducted in an FST II/III or FTD of the relevant type for which the licence holder must be rated, qualified and proficient.

Do not mention requirements for proficiency checks in relation to an IR revalidation; proficiency checks are subject to Subpart H of this NPA., Delete FCL.625.H (b) because cross-crediting cannot be appropriate in case of IR-privileges that are specific to a helicopter type, for which the licence holder must be rated, qualified and proficient (please note our comments on Appendix 8).

response *Noted*

Regarding to your first comment on subparagraph FLC.625.H(a)(2): this subparagraph also required the proficiency check to be conducted on the relevant type of helicopter. However, the Agency acknowledges that the text may not be very clear, and will change it.

Regarding to you second comment: Not combined with the proficiency check for the type rating. But there is a proficiency check for the IR revalidation.

Regarding to you third comment: Please see the reply to comment 372 above.

comment *5418*

comment by: *CAA Belgium*

FCL.625.H (a) (1) requires the revalidation of an IR(H), if combined with the revalidation of a type rating, to be conducted on the relevant type of helicopter. This is well done and supported. But according FCL.625.H (a) (2) the revalidation of an IR(H), if not combined with a revalidation of a type rating, may be conducted in a FTD II/III or a FFS but at least each alternate for the proficiency check for the revalidation of an IR(H) under these circumstances shall be performed in a helicopter.

1st: the reference to 'at least each alternate the proficiency check for the revalidation of an IR(H)' is not clear since apparently this paragraph deals with a revalidation of an IR(H) that is not combined with a proficiency check.

2nd: whereas the combination with the proficiency requires the relevant type of helicopter, the relevant type of helicopter apparently does not play a role if IR(H) revalidation and proficiency check are not combined. Since this appears to be incomprehensible, we have to ask if this is really EASA's intention. Allowdly, an FTD II/III or an FFS are type specific devices, but according to FCL.625 any FTD II/III or FFS will do. Is that on purpose? This is as unspecific as the reference to 'a helicopter' in the same sentence. Should it not be a helicopter of the relevant type to ensure consistency with FCL.625. (a) (1) and, more significant, ensure safety? In what do the relevant tasks that are related to an IR(H) revalidation conducted in combination with a proficiency check differ from the tasks if the check is conducted separately?

3rd: What is the cross-crediting according to FCL.625.H (b) all about? A close look to the appropriate part B of the Appendix 8 reveals that EASA intends to grant credits regardless of the helicopter type. This is absolutely incomprehensible because this is definitely in contradiction to FCL.625.H (a) (1). This is also in contradiction with Appendix 9 (see bottom of NPA 2008-17b, page 135, and the relevant part of the table referring to section 5 on pages 138 and 139. According to Appendix 9, all procedures/manoeuvres of section 5 need to be conducted on a helicopter of the relevant type, simply because the IR(H) privileges are specific to the helicopter type, for which the licence holder must be rated, qualified and proficient.

Thus, FCL.625.H is in contradiction to EASA's own pretension with regard to safety and therefore needs total reworking with respect to the following:

The requirements according to FCL.625.H (a) (1) should be transferred to FCL.740.H with respect to our comments on FCL.740.H.

In order to avoid any contradictions any requirement according to the contents of FCL.625.H.(a) (2) should read explicitly that the revalidation, if conducted in an FST II/III or FTD, shall be conducted in an FST II/III or FTD of the relevant type for which the licence holder must be rated, qualified and proficient.

Do not mention requirements for proficiency checks in relation to an IR revalidation; proficiency checks are subject to Subpart H of this NPA., Delete FCL.625.H (b) because cross-crediting cannot be appropriate in case of IR-privileges that are specific to a helicopter type, for which the licence holder must be rated, qualified and proficient (please note our comments on Appendix 8).

response *Noted*

Please see the reply to comment 3838 above.

comment 6501

comment by: *Austro Control GmbH*

Comment: Covered by FCL.605 (c)

Proposed Text: **Delete (b)**

response *Not accepted*

Paragraph FCL.605 (c) is referring to Appendix 8 to Part-FCL and in Appendix 8 there is the cross-crediting of the IR part of a type or class rating proficiency check for A. Aeroplanes and B. Helicopters.

The reference to Appendix 8 is necessary here to make the IR privileges not type-specific. Therefore, it should be maintained.

It should also be maintained in both paragraph FCL.625.A and paragraph FCL.625.H to ensure that there will be cross-crediting of a pass in a proficiency check in a certain type, in accordance with Appendix 8.

comment 6737

comment by: CAA CZ

This paragraph should be completed by the requirement in JAR-FCL 1/2.185(b):  
If the IR(A)/(H) is restricted for use in multi-pilot operations only, the revalidation or renewal shall be completed in multi-pilot operations.

and also by part of paragraph 9 of Appendix 1 to JAR-FCL 1/2.210:  
Whenever the examiner or another pilot functions as a co-pilot during the test, the privileges of the instrument rating will be restricted to multi-pilot operations. A multi-pilot restriction may be removed by the applicant carrying out a skill test in accordance with Appendix 1 to JAR-FCL 1/2.210 in a single-pilot aeroplane/helicopter with no other crew member involved in the conduct of the flight. The skill test for this purpose may be conducted in an FNPT II or a flight simulator

response *Noted*

Please see the reply to comment 3838 above.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 3:  
Specific requirements for the helicopter category — FCL.630.H IR(H) — p. 33  
Extension of privileges from single-engine to multi-engine helicopters**

comment 495

comment by: FOCA Switzerland

G/Section 2  
FCL.630 (H): Missing reference for aeroplane (A):

Proposal: **The same para to add accordingly under aeroplane (A).**

response *Noted*

The relevant requirements for aeroplanes are included in Appendix 6: Modular training courses for the instrument rating.

comment 3241

comment by: john daly

It is assumed that if a FNPT II is used, it should be a multi-engine device rather than one representing a single-engine helicopter. If so, this should be made clear.

response *Accepted*

The Agency will revise all references to FSTDs in Part-FCL for consistency purposes.

comment 3839

comment by: Luftfahrt-Bundesamt

FCL.630.H:

Instead of being part of Subpart G, FCL.630.H could as well be part of Part B of Appendix 6. Accordingly, analogous requirements referring to aeroplanes are subject of Appendix 6, Part A, No 9.

The headline of FCL.630.H is confusing because it implies the existence of a generic instrument rating for single engine helicopter and a generic instrument rating for multi engine helicopter. Both do not exist because IR(H) privileges are specific to a type for which the licence holder must be rated, qualified and proficient. Thus, the headline should read:

IR(H) – Extension of privileges from single-engine helicopter types to multi-engine helicopter types.

FCL.630.(b): Delete the words ‘for single-pilot or multi-pilot helicopters’ because in this respect they are meaningless.

response *Partially accepted*

Thank you for your comment.

The extension of privileges of FCL.630.H could indeed be part of Part B of Appendix 6 as well. This will be then accordingly analogous with the extension of privileges referring to aeroplanes which is the subject of Appendix 6, Part A, No 9.

The Agency acknowledges that the current text may not be very clear, and will change it. The extension of privileges of FCL.630.H will be put in Part B of Appendix 6.

Regarding your comment to FCL.630(b): The Agency will change the text accordingly.

comment *5419*

comment by: *CAA Belgium*

Instead of being part of Subpart G, FCL.630.H could as well be part of Part B of Appendix 6. Accordingly, analogous requirements referring to aeroplanes are subject of Appendix 6, Part A, No 9.

The headline of FCL.630.H is confusing because it implies the existence of a generic instrument rating for single engine helicopter and a generic instrument rating for multi engine helicopter. Both do not exist because IR(H) privileges are specific to a type for which the licence holder must be rated, qualified and proficient. Thus, the headline should read:

IR(H) – Extension of privileges from single-engine helicopter types to multi-engine helicopter types.

FCL.630.(b): Delete the words ‘for single-pilot or multi-pilot helicopters’ because in this respect they are meaningless.

response *Accepted*

Please see the reply to comment 3839 above.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 4:  
Specific requirements for the powered-lift category**

p. 33

comment *7892*

comment by: *Peter Reading*

Pilots in the UK currently can fly in IMC without any instrument qualification. In general it is not possible to make a cross country flight in a glider and maintain VMC (1NM horizontally, 1000' vertically from cloud). In particular, during mountain wave flying, one must be in close proximity to cloud.

There should be no requirement to hold an Instrument Rating in order to fly in IMC, in gliders.

response *Noted*

It was already indicated in the Explanatory memorandum to Part-FCL, under Subpart I, number 48 (page 29), of NPA 2008-17a, that the issue of qualifications for flying in Instrument Meteorological Conditions (IMC) is currently being discussed in a separate Rulemaking task, FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to place your comments.

**B. Draft Opinion Part-FCL — Subpart G: Instrument Rating — IR — Section 5: Specific requirements for the airship category — FCL.625.As IR(As) — Revalidation** p. 33

comment

3338

comment by: *DGAC FRANCE*

After FCL625.As **add a new paragraph « FCL 630.As »**

Justification : In order to have the same structure of the text between aeroplane and helicopter and (b) requirement is missing because, in JAR FCL1 it is required to pass the IR skill test on a multi-engine aeroplane to obtain an IR ME

If necessary a similar paragraph (FCL 630 As) could be needed for airship.  
Modification :

**Add a paragraph :**

**FCL 630 As IR(A) – Extension of privileges from single-engine to multi-engine aeroplane**

**The holder of a single-engine IR(A) who also holds a multi-engine type or class rating wishing to obtain a multi-engine IR(A) for the first time shall:**

**(a) complete a course at an approved training organisation comprising at least 5 hours instruction in instrument flying in multi-engine aeroplanes, of which 3 hours may be in a flight simulator or FNPT II.**

**(b) pass the IR skill test on a multi-engine aeroplane.**

**Delete the paragraph 9 of the appendix 6 part A. IR(A) - Modular flying training course.**

response

*Not accepted*

Thank you for providing this comment.

After discussing this issue and proposal with the airship experts, it doesn't seem to be necessary for the category of airship to distinguish between single-engine and multi-engine instrument qualifications. Therefore the Agency does not agree to the proposal adding a specific paragraph defining a specific course for instrument training in multi-engine airships.

The proposal to delete also paragraph 9 of the Appendix 6 part A. IR(A) seems to refer to the aeroplane category only. The Agency does not agree that the appropriate paragraph in the section for airships should be amended.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings**

p. 34

comment **3688** comment by: *Susana Nogueira*

A skill test form for IRI and CRI should be included

response *Noted*

Please see replies to comments on Appendix 12.

comment **3770** comment by: *Belgian Air Component*

In some cases, military employed types of aircraft/helicopter did not figure on the JAA-published list of aircraft/helicopter types. Although JAR-FCL 1.020 provided the national authority with the possibility to take the experience gained in military service into account, the military type ratings could not be endorsed on a JAA license. Since the validity of a license is defined by the validity of the rating, this puts military aircrew at a disadvantage when they want to pursue their flying careers in civil aviation, since they would have to start their type conversion without valid license.

Several solutions have been elaborated by different countries :

- Either military ratings are endorsed on JAR "National" licenses, with the restriction to military aircraft in national airspace. This does not seem an ideal solution to apply internationally for a job.
- Either the closest civil variant was selected for license endorsement. This does not provide for military types that have no close civil relative.
- Either no license was issued, although pilots fulfilled every other requirement to obtain one, except the type rating endorsement.

To avoid workarounds, and to fully acknowledge the training and experience of military aircrew, following solutions are proposed :

1. All military types of aircraft / helicopter that are eligible to fulfil EASA Licensing requirements are included in the list of types, or
2. It is left to the appreciation of National Authorities to publish and endorse military types that are in use in their country.

response *Noted*

Provisions on the conversion of military qualifications and training into Part-FCL qualifications have been included in the cover regulation. Please see text as published with this CRD.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements**

p. 34

comment	1768	comment by: REGA
	<p><b>STATEMENT</b>  "...in accordance with Part-21..."  The Document "Part-21" is not listed in the Envisaged structure of EASA Requirements.</p> <p><b>PROPOSAL</b>  Define more precise which document is meant</p>	
response	<p><i>Partially accepted</i></p> <p>Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness.  Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.</p>	

<p><b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements — FCL.700 Circumstances in which class or type ratings are required</b></p>	p. 34
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------

comment	496	comment by: FOCA Switzerland
	<p>H/Section 1  FCL.700</p> <p>For logical reason and harmonisation, a similar system should be for helicopter as it is for aeroplane.</p> <p>Proposal:</p> <p><b>The following system should be implemented:</b></p> <ul style="list-style-type: none"> <li>• Multi-engine single pilot (individually)</li> <li>• Single-engine single pilot piston</li> <li>• Single-engine single pilot turbine</li> </ul> <p><b>For helicopter cross-crediting according App. 1 to JAR-FCL 1.245 (b)(3) shall apply.</b></p>	
response	<p><i>Not accepted</i></p> <p>Creation of class ratings for helicopters would require a preliminary regulatory impact assesment. Therefore, it will not be dealt with during the comment response period of NPA 2008-17.</p>	
comment	629	comment by: British Microlight Aircraft Association
	<p>(b) "in the case of flights related to the introduction of new aircraft types,"  Does this relate to test flying new types?</p>	
response	<p><i>Noted</i></p> <p>Yes, it does. But it is not limited to it. The intention of this text is to cover the text of paragraphs 1.230/2.230 of JAR-FCL.</p>	

Please see also the reply to comment 2547 below.

comment **1707** comment by: *Sven Koch*

Außer im Falle LPL, SPL oder Schulung, darf ein Pilot nur Rechte ausüben, wenn gültiges Typen-oder Klassenberechtigung

response **Noted**

Thank you for providing your opinion, but the Agency does not understand the meaning behind this comment.  
It seems to be only a more or less exact German translation of some elements contained in FCL.700.

comment **2520** comment by: *ETPS CI*

FCL.700 Circumstances in which class or type ratings are required

*(a) Except in the case of the LPL, the SPL and the BPL, holders of a pilot licence shall not act in any capacity as pilots of an aircraft unless they have a valid and appropriate class or type rating, except when undergoing skill testing or receiving flight instruction.*

**Comment 1:** ETPS currently flies and instructs under military regulations. Instructors are rigorously monitored and examined but do not necessarily hold civilian licenses. ETPS would seek either an exemption or an Acceptable Means of Compliance (AMC) for this rule, i.e. an acceptance of UK MOD regulation equivalence which would lead to ETPS becoming an EASA "accepted flight test training organisation".

response **Noted**

Your comment seems to relate to NPA 2008-22, which contains the requirements for training organisations.

Please see the reply to comments in that NPA.

Please note also that nothing prevents ETPS to apply for an approval as a training organisation under civil aviation rules, as long as the requirements are met.

Please note also that provisions on the conversion of military qualifications and training into Part-FCL qualifications have been included in the cover regulation. Please see text as published with this CRD.

comment

2547

comment by: Airbus

**THIS COMMENT IS SUBMITTED ON BEHALF OF ASD**

**AFFECTED PARAGRAPH:**

**FCL.700 Circumstances in which class or type ratings are required Subparagraph (b)**

**PROPOSED CHANGE:**

(b) Notwithstanding paragraph (a), in the case of ~~flights related to the introduction of new aircraft types~~ *Category 1 or 2 flight tests, as defined in Appendix XII to Part 21, performed under a permit to fly issued in accordance with paragraph 21A.711 of Part 21*, the pilot in command shall hold a ~~special certificate flight test rating~~ given by the competent authority, ~~authorising him to perform the flights. This authorisation shall have its validity limited to the specific flights.~~

**JUSTIFICATION:**

- More accurate definition of flights for which a flight test rating is required;
- Applicable to pilot in command only;
- Proposal to describe holder's privileges in FCL 1. 820.

response

*Partially accepted*

The Agency has amended paragraph (b) to include a specific reference to flight test, based on your proposal.

However, the more general text of paragraph (b) is also retained, since it transposes the text of JAR-FCL 1.230/2.230, which had a wider scope than just flight tests.

Furthermore, it is still necessary to cover flight tests for which a flight test rating is not required, as for instance Category 3 and 4 flight tests.

comment

3989

comment by: DGAC FRANCE

FCL 700 (b)

CAT1 and CAT2 Test flights can be done not only on new aircraft

Flight test training has to be considered as test flights, but those flights can be done on serial aircrafts

(b) Notwithstanding paragraph (a), in the case of ~~flights related to the introduction of new aircraft types, the pilot shall hold a special certificate given by the competent authority, authorising him to perform the flights. This authorisation shall have its validity limited to the specific flights.~~ **category 1 or 2 flight tests, as defined in paragraph FCL.820, performed under permit to fly or in the case of flight tests training, the pilot shall hold a flight test rating.**

response

*Partially accepted*

Please see the reply to comment 2547 above.

comment	5316	comment by: CEV. France
	<p>CEV comment n 1</p> <p>CEV proposal</p> <p>FCL.700 Circumstances in which class or type ratings are required  (a) Except in the case of the LPL, the SPL and the BPL, holders of a pilot licence shall not act in any capacity as pilots of an aircraft unless they have a valid and appropriate class or type rating, except when undergoing skill testing or receiving flight instruction.  (b) Notwithstanding paragraph (a), <b><u>in the case of category 1 or category 2 flight tests as defined in paragraph FCL.820 performed under permit to fly or in the case of flight tests training the pilot shall hold a flight test rating..</u></b></p> <p>Explanation  CAT 1 and CAT 2 test flights can be done not only on new aircraft; but all flight test generally are performed under Permit to Fly.  Flight test training has to be considered as test flights, but those flights can be done on serial aircraft.</p>	
response	<p><i>Partially accepted</i></p> <p>Please see the reply to comment 2547 above.</p>	
comment	6038	comment by: Finnish Aviation Academy
	<p><b>FCL.700      Circumstances in which class or type ratings are required</b></p> <p>(a) ....., except when undergoing skill test, <b>proficiency check</b>, or receiving flight instruction.  <i>For the renewal of class or type rating the applicant shall pass a proficiency check (FCL.740 (b) (2))</i></p>	
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>	
comment	6300	comment by: Axel Schwarz
	<p>Whenever reference is made to "new types or classes of aircraft" this should be expanded to include vintage aircraft, types or variants not previously operated in one of the member states, ex-military aircraft or single-seat aircraft if for such types or classes of aircraft no suitably qualified personnel and/or training organisation is available.</p>	
response	<p><i>Not accepted</i></p> <p>Vintage aircraft, ex-military aircraft and single-seat aircraft which would not be covered by a class rating are not in the scope of community regulation (cf. Annex II of Basic Regulation). 'New types or classes of aircraft' cover only aircraft within the scope of the Basic Regulation.</p>	
comment	6306	comment by: Axel Schwarz
	<p>The list of types and class of aeroplane currently published contains licence</p>	

endorsements that encompass piston-powered and turbine-driven aeroplanes (e.g. the rating PA46).

This is in contradiction to ICAO Annex 1, 2.1.3.2, Note 1, which reads: "Where a common type rating is established, it shall be only for aircraft with similar characteristics in terms of operating procedures, systems and handling", since operating procedures and handling characteristics differ significantly between piston-powered and turbine-engined aeroplanes, even if they are of the same basic design.

Therefore separate ratings should be established for such aeroplane variants.

response *Noted*

Thank you for your comment. However, NPA 2008-17 does not encompass a list of types and class of aeroplanes.

comment 6412

comment by: CAA Finland

FCL.700(b):

Amended text proposal: authorising him/**her** to

response *Partially accepted*

The text will be amended in accordance with the relevant agreement.

comment 7365

comment by: Finnish Aviation Academy

**FCL.700      Circumstances in which class or type ratings are required**

(a) ....., except when undergoing skill test, **proficiency check**, or receiving flight instruction.

*For the renewal of class or type rating the applicant shall pass a proficiency check (FCL.740 (b) (2))*

response *Accepted*

The text will be amended accordingly.

comment 8092

comment by: HeliAir Ltd

.... or as SOLO commander in connection with training?

response *Noted*

This case is actually covered by the expression 'receiving flight instruction', as included in FCL.700(a).

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements — FCL.705 Privileges of the holder of a class or type rating**

p. 34

comment 630

comment by: British Microlight Aircraft Association

Accepted

response *Noted*

Thank you for providing this feedback.

comment 1918 comment by: *MT-Propeller Entwicklung GmbH - DOA EASA 211.020*

FCL.700 (b)

It must still be possible to receive special authorization for type and class rating from the authority as currently referenced in JAR-FCL 1.230 to perform CAT 1 and CAT 2 flight tests without a type or class rating training at an e.g. FTO or TRTO to conduct the appropriate flight tests under a Permit to Fly legally. This procedure has been used successfully and legally for LBA TB-1 and TB-2 flight test pilots in Germany since the establishment of JAR-FCL. These special authorization are limited to respective projects. This procedure must be retained. It is impossible to conduct ground and flight test training for 6 or more type or class ratings per year to say nothing of the costs which are related to. The current proposed wording under FCL.700 (b) will definitely stop a lot of the STC business in Europa and especially at MT-Propeller which is the leading GA propeller manufacturer in Europa.

e.g. MT-Propeller is doing STCs (Propeller / engine installations on FAR/JAR/CS-23 and FAR/JAR/CS-23 Commuter aircrafts) which are classified as major change, significant and non-significant.

Proposal:

Delete ...the introduction of new aircraft types, insert ...flight tests according to Part 21A.701 No 1 (Development) and No 2 (Showing compliance with regulations or certification specifications).

response *Noted*

The purpose of FCL.700 (b) is precisely to cover the text of JAR-FCL 1.230/2.230.

Based on the comments received, the Agency has amended the text of the paragraph. Please see amended text.

comment 2244 comment by: *Industry Group (Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, IAAPS (International Association of Aviation Personnel Schools), IACA, IATA, KLM Luchtvaartschool, Lufthansa Flight Training, TUI Group Airlines)*

Comment: In order to provide provisions for a future NPA on Cruise Relief Pilots add the following sentence:

Proposal: Add : (b) When a class or type rating is issued with limited privileges such limitations shall be endorsed in the licence.

response *Not accepted*

FCL.015(b) already contains such provisions.

comment 4477 comment by: *AEA*

**Comment:**

In order to provide provisions for the future NPA on Cruise Relief CoPilot, add the following sentence.

**Proposal:**

Add :

(b) *When a class or type rating is issued limiting the privileges such limitations*

*shall be endorsed in the licence.*

response *Not accepted*

FCL.015(b) already contains such provisions.

comment 5690 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

This article does not stand for exceptions. We would open the door to more flexibility adding:

(b) "Whenever a class of type rating is issued with privileges limitations, such limitation shall be specified in the licence"

response *Not accepted*

FCL.015(b) already contains such provisions.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements — FCL.710 Class and type ratings — Variants**

p. 34

comment 631 comment by: *British Microlight Aircraft Association*

(b) Disagree. Once the variant differences training has been completed there should be no requirement for further differences training on the same variant.

response *Not accepted*

The Agency acknowledges your opinion. However, the text of FCL.710 (b) reproduces exactly the text of JAR-FCL 1.235 (c), and the Agency sees no reason to change it at this time.

comment 1267 comment by: *PPL/IR Europe*

There is no safety case to introduce the 2 year variant differences currency requirement in para (b) for the Class of Multi-Engine Piston aircraft and JAR-FCL does not have such a requirement. It is a "solution" to a "problem" that doesn't exist and we believe the temptation to ratchet up regulation in this way should be avoided as a matter of principle.

We understand that the "2 year rule" for variants was introduced specifically to address the issue of large transport aircraft with variants that share a common type rating (eg. 757 and 767) in order to prevent pilots flying a variant without any recent experience. It should not have "spilled over" to impact the MEP Class Rating.

Our proposed wording is

*(a) In order to extend its privileges to another variant of aircraft within one class or type rating, the pilot shall undertake differences or familiarisation training, as defined in accordance with Part21*

*(b) If the variant has not been flown within a period of 2 years following the differences training, further differences training or a proficiency check in that variant shall be required to maintain the privileges, except for types or variants within the single engine piston and multi engine piston class ratings.*

*(c) The differences training shall be entered in the pilot's logbook or equivalent document and signed by the instructor as appropriate.*

response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your opinion. However, the text of FCL.710 (b) reproduces exactly the text of JAR-FCL 1.235 (c), and the Agency sees no reason to change it at this time.</p>
comment	<p>1605 <span style="float: right;">comment by: <i>Helikopter Air Transport GmbH / Christophorus Flugrettungsverein</i></span></p> <p><b>STATEMENT</b>  "...in accordance with Part-21..."  The Document "Part-21" is not listed in the Envisaged structure of EASA Requirements.</p> <p><b>PROPOSAL</b>  Define more precise which document is meant</p>
response	<p><i>Noted</i></p> <p>Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness.  Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.</p>
comment	<p>1708 <span style="float: right;">comment by: <i>Sven Koch</i></span></p> <p>Zur Ausweitung auf anderes Flugzeug muss Vertraut machen oder Differenzschulung erfolgen, wie in Part-21 definiert. Wurde 2 Jahre nicht auf dem Muster geflogen, dann muss erneutes Vertraut machen/Differenzschulung erfolgen und vom Fluglehrer in Flugbuch bescheinigen</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion, but the Agency does not understand the meaning behind this comment.  It seems to be only a more or less exact German translation of some elements contained in FCL.710.</p>
comment	<p>1969 <span style="float: right;">comment by: <i>Dr. Tobias MOCK</i></span></p> <p><i>English version of the German comment: see below</i></p> <p>Leider finde ich den Wortlaut von Part-21 im Internetauftritt der EASA nicht, deshalb muss ich hier "ins Blaue" kommentieren. "Eine andere Variante innerhalb einer Klassen- oder Typenberechtigung" - das scheint mir eine schwammige Formulierung zu sein, zumal der Begriff "Variante" in FCL.010 nicht definiert wird. Gehen wir von der Klasse aus, die nach JAR heute SEP heißt. Ist eine Cessna 172 M schon eine andere Variante als eine Cessna 172 N? Ist eine Cessna 152 eine andere Variante als eine Cessna 172? Ist eine Piper 28 eine andere Variante als eine Cessna 172 (oder gar nach FCL.010 ein anderer Flugzeugtyp, weil ein Schulterdecker ja nun geringfügig andere Flugeigenschaften hat als ein Tiefdecker)?  Wie gesagt, Part-21 liegt mir nicht vor, deshalb ist dieser Kommentar möglicherweise überflüssig. Sicherheitshalber möchte ich jedoch darauf hinweisen, dass ich hier die JAR-Regelung sinnvoll finde: Innerhalb der SEP-</p>

Klasse ist hier lediglich ein Vertrautmachen nötig, und nach vorherrschendem Verständnis kann sich der Pilot hier auch mit Hilfe des Handbuchs selbst mit dem Flugzeug vertraut machen. Wer einen Seat Ibiza fahren kann, dem trauen wir auch zu, einen VW Touareg zu steuern, ohne vorher erneut zur Fahrschule zu müssen. Vielleicht sollten wir es wagen, auch Piloten ein Mindestmaß an Flexibilität und Verantwortungsbewusstsein zuzutrauen. Der Pilot wird ein eigenes Interesse daran haben, sich hinreichend mit den Charakteristika seines Flugzeugs vertraut zu machen. Innerhalb der SEP(land)-Klasse ist das auch kein Problem, die Unterschiede zwischen Piper 28 und Cessna 172 sind sicherlich nicht schwerwiegender als die zwischen Seat Ibiza und VW Touareg. Letztlich werden die Vercharterer ohnehin selbst Kriterien entwickeln, wem sie ein Flugzeug anvertrauen und wem nicht.

Ich plädiere also dafür, dass innerhalb der Klasse SEP kein "Familiarisation Training", sondern wie bislang nach JAR, lediglich "Familiarisation" gefordert wird. Sollte Part-21 das bereits so regeln, wäre dieser Kommentar natürlich gegenstandslos.

*Unfortunately, I cannot find the text of part-21 within the EASA webspace, so I have to comment "out of the blind". The term "another variant of aircraft" seems rather fuzzy to me, especially since the term "variant" is not defined by FCL.010. Lets take a look at the class that, according to JAR, is called "SEP" today. Is a Cessna 172 M another variant than a Cessna 172 N? Is a Cessna 152 another variant than a Cessna 172? Is a Piper 28 another variant than a Cessna 172 (or even, according to FCL.010, another aircraft type, as a shoulder wing airplane does have slightly different flight characteristics from the ones of a low wing airplane)?*

*Since part-21 is not presently available to me, this comment may be void. Nonetheless I would like to point out, that I consider the present JAR-regulation reasonable: within the SEP class, familiarisation is sufficient, and according to widespread opinion, it can be absolutely sufficient to achieve familiarisation all by oneself simply by studying the aircraft handbook. If a person is capable of driving a Seat Ibiza, we deem him able to also conduct a Volkswagen Touareg without prior driving lessons. Maybe we should dare to attribute a comparable amount of flexibility and responsibility to pilots as well. Any pilot will have an interest in making himself familiar with the characteristics of his airplane. Within the SEP class, this is not particularly difficult; the differences between handling a Piper 28 and handling a Cessna 172 are certainly not of a higher degree than the differences between handling a Seat Ibiza and a VW Touareg. Anyhow, the charter operators will eventually develop their own criteria on which they will decide whether they allow a pilot to rent their airplanes or not.*

*So I advocate the present JAR regulation that demands "familiarisation" instead of "familiarisation training" within the SEP class. In case part-21 already rules in the proposed manner, this comment would of course be void.*

response

**Noted**

In relation to your questions about Part-21, please see the reply to comment 1605 above.

The wording 'familiarisation training' was already used in JAR-FCL.

In fact, the text of FCL.710 reproduces exactly the provisions of JAR-FCL 1.235 (a) and (c). The only difference is the reference to Part-21.

As for your question on how to identify if a certain aircraft is or not a variant, or whether differences or familiarisation training is required, please consult the EASA website, where the list of aircraft types and license endorsements is published.

comment	2442	comment by: <i>Dr. Horst Schomann</i>
	<p>Problem: In subparagraph (b) the TMG is missing.  Proposed solution: Add TMG in the last sentence: except ..... single-engine piston aircraft and touring motor glider class rating  Justification: SEP and TMG are dedicated throughout the document. See FCL.740.A (b) for reference.</p>	
response	<i>Accepted</i>	
	Text will be amended accordingly.	
comment	3993	comment by: <i>Airbus</i>
	<p><b><u>Page 34 FCL.710 (a)</u></b></p> <ul style="list-style-type: none"> <li>• <b>Comment:</b> adjust the text so that the link with the Operational Suitability Certificate is clearer.</li> <li>• <b>Proposal:</b> FCL.710 (a) to read:  <i>(a) In order to extend the privileges to another variant of aircraft within one class or type rating, the pilot shall undertake differences or familiarization training, <u>as defined in the Operational Suitability Certificate established in accordance with Part 21.</u></i></li> </ul>	
response	<i>Partially accepted</i>	
	Text has been amended to improve clarity on the reference to Part-21.	
comment	4968	comment by: <i>ECA- European Cockpit Association</i>
	<p>Comment:  See also ECA General comment on Part 21 references. Cross-reference to "Part 21": this Part (Regulation 1702/2003) does not contain anything about Difference of Familiarisation Training. Generic Cross-reference without specific numbers is not acceptable. As long as there is nothing established in "Part 21" this regulation is not valid.</p>	
response	<i>Noted</i>	
	<p>Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness.  Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.</p>	
comment	5488	comment by: <i>UK CAA</i>
	<p><b>Paragraph:</b> FCL.710(a)  <b>Page No*:</b> 34 of 647  <b>Comment:</b> The reference to Part-21 is confusing in this context  <b>Justification:</b>  It is the class or type rating that is defined in accordance with Part-21 and not the differences and familiarisation training, which is defined in GM to FCL.710  <b>Proposed Text: (if applicable)</b></p>	

	In order to extend its privileges to another variant of aircraft within one class or type rating as defined in accordance with Part-21, the pilot shall undertake differences or familiarisation training.
response	<i>Partially accepted</i> Text has been amended to improve clarity on the reference to Part-21.
comment	<b>5489</b> <span style="float: right;">comment by: <i>UK CAA</i></span> <b>Paragraph:</b> FCL. 710/725/720A/720H <b>Page No*:</b> 34/35/38 of 647 <b>Comment:</b> Part-21 mentioned in these paragraphs with no statement of the full reference. <b>Justification:</b> Clarification
response	<i>Noted</i> Part-21 is an Annex to Commission Regulation No 1702/2003, containing implementing rules on initial airworthiness. Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.
comment	<b>5691</b> <span style="float: right;">comment by: <i>FNAM (Fédération Nationale de l'Aviation Marchande)</i></span> (c)does not take into account the state of the art practices, which include dematerialization of the records on electronic signing within huge organization (airlines, ATO, TRTO...). We request to keep open this possibility:  " the different trainings shall be annotated in the training records of the training organization, or in the pilot's logbook or any equivalent (including electronic documentation) validated by the instructor as appropriate."
response	<i>Partially accepted</i> The wording has been adjusted to provide for adequate flexibility. Please see also the text of FCL.050 and the related AMC.
comment	<b>6502</b> <span style="float: right;">comment by: <i>Austro Control GmbH</i></span> Comment: It's an undue burden for aircraft manufacturers who develop and produce aircrafts which can be operated as SEP or MEP.  Proposed Text: (a) In order to extend its privileges to another variant of aircraft within one class or type rating, the pilot shall undertake differences or familiarisation training, as defined in accordance with Part21 <b>limited to aircraft certified according CS 25 (or equivalent) or being able to be operated according CS 25.</b>  (c) The differences training shall be entered in the pilot's logbook or equivalent document <b>approved by the authority</b> and signed by the instructor as appropriate.
response	<i>Not accepted</i>

The text of FCL.710 reproduces what was established in JAR-FCL 1.235. The Agency sees no reason to limit variants to CS-25 aircraft only.

The text of paragraph (c) is in compliance with what is established in FCL.050, for recording of flight time. The Agency considers that the addition you propose is not necessary.

comment 7770 comment by: *Europe Air Sports, VP*

710 a calls for familiarisation with another variant of aircraft within one class the privilege should be extended. To avoid confusion and different, misleading interpretation by some Member States we recommend to explain in the AMC/GM the term: variant. As classic example the Cessna family from the 150/152/170/172/ 182 could be treated as one variant. On the other hand, somebody could develop the idea and claim that a Cessna 172 with Lycoming Engine and one with a Conti are different variants.

This topic should be thoroughly discussed in the review group.

response *Noted*

Please see the reply to comment 1969 above.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements — FCL.725 Requirements for the issue of class and type ratings p. 34-35**

comment 394 comment by: *Rod Wood*

(b) (3) A written examination should be retained for this group.

response *Not accepted*

In accordance with the Basic Regulation, theoretical knowledge must be assessed. However, taking into account the principle of proportionality, a verbal examination was considered sufficient for single engine class ratings.

comment 497 comment by: *FOCA Switzerland*

H/Section 1  
FCL.725

Proposal

**(a) JAR-FCL rule 1.261 (c)(3) shall be integrated in the whole rule as otherwise it would have an impact for FI and CRI to conduct training.**

response *Not accepted*

The Agency considers that training for the class and type ratings should be performed in an approved training organisation.

comment 990 comment by: *CAA Belgium*

(c) last paragraph: as it is written one can apply for the issue of a rating even

	<p>20 years after the skill test. A limitation of the validity of the test should be introduced.</p> <p>"class rating" should be added.</p> <p>(d) remains ununderstandable even after several readings: very unclear !</p>
response	<p><b>Accepted</b></p> <p>(c) Text has been clarified to read "pass the skill test after completion of the type or class rating course and within a period of 6 months preceding application for the issue of the type or class rating".</p> <p>(d) This text intends to transpose JAR-FCL 2.261 (a). Text has been amended to improve clarity.</p>
comment	<p><b>1154</b> <span style="float: right;">comment by: <i>KLSPublishing</i></span></p> <p>725 (b) (4) If the aircraft falls in the category where a type rating is mandatory and with it a type rating skill test, there is no need for an additional test. If not, then the pilot would have to familiarize with this aircraft and would fly it then under the scope of a class rating. In my opinion the HPA test is therefore superfluous.</p>
response	<p><b>Not accepted</b></p> <p>This requirement was already included in JAR-FCL, and the Agency sees no reason to change it at this time.</p>
comment	<p><b>1229</b> <span style="float: right;">comment by: <i>Ryanair</i></span></p> <p><b>Comment</b></p> <p>The text presented in the NPA is difficult to apply in practice and begs the following questions: -</p> <ol style="list-style-type: none"> <li>1. Can the type rating course extend over an unspecified period?</li> <li>2. At what point is the type rating course deemed to be completed?</li> <li>3. When does the specified six month period commence from?</li> </ol> <p><b>Proposal</b></p> <p>FCL.725(c) The type rating course, including theoretical knowledge, shall be completed within the 6 months preceding the skill test. Each applicable item in the appropriate skill test shall be satisfactorily completed within the six months immediately preceding the date of receipt of the application for the rating.</p> <p><b>Justification</b></p> <p>The propped text: -</p> <ol style="list-style-type: none"> <li>1. Defines the time within which the type rating must be completed.</li> <li>2. Fixes the six month period within which the LST must be fully and sucessfully completed.</li> </ol>
response	<p><b>Partially accepted</b></p>

Text will be clarified to read 'pass the skill test after completion of the type or class rating course and within a period of 6 months preceding application for the issue of the type or class rating'.

comment 1606 comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

**STATEMENT**

*Helicopters and Airships.* An applicant already holding a type rating...  
This article is not understandable.

**PROPOSAL**

Write more clearly

response *Accepted*  
This text intends to transpose JAR-FCL 2.261 (a). Text has been amended to improve clarity.

comment 1709 comment by: *Sven Koch*

Ausbildung nur an anerkannter Flugschule. Kurs basiert auf Syllabus der Klasse bzw Muster.  
Theoretische mündliche Prüfung bei SEP durch Prüfer. Praktische Prüfung gemäß Anhang 9 und innerhalb 6 Monaten nach Trainingsabschluss

response *Noted*  
Thank you for providing your opinion, but the Agency does not understand the meaning behind this comment.  
  
It seems to be only a more or less exact German translation of some elements contained in FCL.725.

comment 1769 comment by: *REGA*

**STATEMENT**

*Helicopters and Airships.* An applicant already holding a type rating...  
This article is not understandable.

**PROPOSAL**

Write more clearly.

response *Noted*  
Please see the reply to comment 1606 above.

comment 2211 comment by: *FOCA Switzerland*

H/Section 1  
FCL.725

Proposal

(c) The applicant shall pass the skill-test within a period of 24 months after the completion of the type rating training course and preceding the application for

	the issue of the type or class rating. Alternatively: Delete the whole last part of (c)
response	<i>Not accepted</i>  6 months after completion of the training course was assessed as being necessary and sufficient, and was included in JAR-FCL. The Agency does not intend to change this.
comment	2548 <span style="float: right;">comment by: Airbus</span>  <b>THIS COMMENT IS SUBMITTED ON BEHALF OF ASD</b>  <b><u>AFFECTED PARAGRAPH:</u></b> <b><u>FCL.725 Requirements for the issue of class and type ratings</u></b>  <b><u>PROPOSED CHANGE:</u></b>  <b>Add a new subparagraph (e), as follows:</b>  <i>(e) Notwithstanding paragraphs (a) to (d):</i> <i>(1) A test pilot who was involved in the development and certification flight tests for an aircraft type, including at least 10 hours as pilot in command, shall be entitled to get a type rating for that same aircraft type;</i> <i>(2) A pilot holding a flight test rating shall be entitled to obtain a type rating from the competent Authority upon justification of a proper amount of theoretical knowledge and flight experience on the corresponding type.</i>  <b><u>JUSTIFICATION:</u></b> The type rating of test pilots having flown the aircraft for its development and certification needs to be addressed as a special case.
response	<i>Partially accepted</i>  The Agency has amended the text to include the provision that a pilot who was involved in the development and certification flight tests for an aircraft type, and has completed a certain amount of hours of test flights in that type, shall be entitled to apply for the issue of the relevant type rating, as long as he/she complies with the prerequisites and experience requirements for the rating. Please see amended text.
comment	2566 <span style="float: right;">comment by: CAA Belgium</span>  Question: why are the requirements of JAR-FCL 1.240 (5), (6), (7) and (8) not in the IR's ? There is sometimes a need for the industry.
response	<i>Noted</i>  Those proposed requirements apply to licences issued by EASA Member States. Requirements regarding licences from non EASA Member States, as well as transition measures, are considered in other parts of the regulation. Please see amended text of Annex III.
comment	2751 <span style="float: right;">comment by: French Fédération Française Aéronautique groups the 580</span>

	<i>French powered flying aer-clubs and their 43 000 private pilots</i>	
	FCL 725 (b) (3) :	
	FFA approves the lighter requirement related to the single engine aircraft for which the theoretical knowledge examination will be conducted verbally.	
response	<i>Noted</i>	
	Thank you for your positive feedback.	
comment	3439	comment by: <i>Susana Nogueira</i>
	(c) Delete last paragraph: 'The applicant shall pass the skill test...'	
response	<i>Not accepted</i>	
	Please see the reply to comment 2211 above.	
comment	3446	comment by: <i>Boeing</i>
	<b>Boeing Commercial Airplanes comment re: NPA 2008-17b</b>	
	Page: 34	
	Paragraph: FCL.725 (b)(1)	
	Boeing suggests that the following changes be made:	
	Change:	
	<i>"... the theoretical knowledge examination shall be written ..."</i>	
	to read as follows:	
	<i>"'... the theoretical knowledge examination shall be written <b><u>or computer based</u></b> ..."</i>	
	-----	
	<b><u>JUSTIFICATION:</u></b> This change will allow paperless computer-based testing.	
response	<i>Not accepted</i>	
	The Agency considers that the expression 'written' does not prevent a test from being done in using a computer or other electronic means. Therefore, your addition is not necessary.	
comment	3916	comment by: <i>DCA Malta</i>
	FCL 725 (c) Last sentence is not clear	
response	<i>Noted</i>	
	Please see the reply to comment 990 above.	
comment	3995	comment by: <i>Airbus</i>
	<b><u>Page 34 FCL.725 (a)</u></b>	

	<p><b>Comment:</b> adjust the text so that the link with the Operational Suitability Certificate is clearer.</p> <p><b>Proposal:</b> FCL.725 (a) to read:  <i>(a) ...The training course shall be based on the training syllabi for the relevant class or type, <u>as defined in the Operational Suitability Certificate established in accordance with Part 21.</u></i></p>
response	<p><i>Noted</i></p> <p>Text will be amended accordingly.</p>
comment	<p>4405 <span style="float: right;">comment by: <i>Bond Offshore Helicopters</i></span></p> <p>(d) for a further type rating for the same type Bad wording</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 1606 above.</p>
comment	<p>4481 <span style="float: right;">comment by: <i>AEA</i></span></p> <p>Relevant Text: FCL 725 (b) (4) Requirements for the issue of class and type ratings</p> <p><i>(b) Theoretical knowledge examination.</i> The applicant for a class or type rating shall pass a theoretical knowledge examination organised by the approved training organisation to demonstrate the level of theoretical knowledge required for the safe operation of the applicable aircraft class or type...</p> <p>(4) For aeroplanes that are certified as high performance aeroplanes in accordance with Part21, the examination shall be written and comprise at least 60 multiple choice questions distributed appropriately across the main subjects of the syllabus</p> <p><b>Proposal:</b> In (4), specify "<b>high performance single-pilot aeroplane</b>"</p>
response	<p><i>Partially accepted</i></p> <p>Text has been amended to refer specifically to single-pilot high performance aeroplanes.</p>
comment	<p>4648 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>(d) for a further type rating for the same type Bad wording</p>
response	<p><i>Noted</i></p> <p>This text intends to transpose JAR-FCL 2.261 (a). Text has been amended to improve clarity.</p>
comment	<p>4774 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>(c) delete last line</p>
response	<p><i>Not accepted</i></p>

Please see the reply to comment 2211 above.

comment 4862 comment by: HUTC

(d) for a further type rating for the same type  
Bad wording

response *Noted*

Text has been amended to increase clarity.

comment 4970 comment by: ECA- European Cockpit Association

Comment:

See also ECA General comment on Part 21 references. Cross-reference to "Part 21": this Part (Regulation 1702/2003) does not contain anything about Difference of Familiarisation Training. Generic Cross-reference without specific numbers is not acceptable. As long as there is nothing established in "Part 21" this regulation is not valid.

response *Noted*

Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness.

Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.

The proposed Part FCL has been amended to improve clarity.

comment 4972 comment by: ECA- European Cockpit Association

Comment:

Paragraph (d) should be included also for aeroplanes.

Justification: There is no safety justification for not including the aeroplane category in this paragraph. A pilot who flies an aircraft knows it, independently of the position occupied while flying. In this cases, the theoretical knowledge should also be credited.

response *Accepted*

Text will be amended accordingly.

comment 5561 comment by: UK CAA

**Paragraph:** FCL. 710/725/720A/720H

**Page No\*:** 34/35/38of 647

**Comment:** Part-21 mentioned in these paragraphs with no statement of the full reference.

**Justification:** Clarification

response *Noted*

Please see the reply to comment 4970 above.

comment 5579 comment by: UK CAA

**Paragraph:** FCL.725-Requirements for the issue of class and type ratings

**Page No\*:** 34 of 647

**Comment:** Paragraph (b) (4) (c) states applicant shall pass a skill test within 6 months after completion of the type rating course and preceding application for issue of rating. There is also no mention of the period a type rating course must be completed in.

This paragraph does not correspond to JAR-FCL which was more specific in stating that the type rating course has to be completed in 6 months preceding the skill test, and that all items of the skill test must be completed within 6 months preceding date of receipt of application for the rating.

**Justification:** Clarification for the avoidance of doubt

**Proposed Text: (if applicable)**

..type rating course and within 6 months preceding application for the issue of the type or class rating.

response

*Accepted*

Text has been amended as proposed.

Please see also the reply to comment 990 above.

comment

5582

comment by: UK CAA

**Paragraph:** FCL.725(a)

**Page No:** 34 of 647

**Comment:** The reference to Part-21 is confusing in this context

**Justification:** It is the class or type rating that is defined in accordance with Part-21 and not the training syllabi, which are defined in AMC No1 to FCL.725(a)

**Proposed Text: (if applicable)**

*Training course.* An applicant for a class or type rating as established in accordance with Part-21 shall complete a training course at an approved training organisation. The training course shall be based on the training syllabi for the relevant class or type.

response

*Not accepted*

The Operational suitability data for the aircraft type that will be established in accordance with Part-21 will include additional elements for the training course, so your proposal is not correct.

Please note, however, that the text of this paragraph has been amended to improve clarity.

comment

5584

comment by: UK CAA

**Paragraph:** FCL.725(b)(3)

**Page No:** 34 of 647

**Comment:** Questions for Single Engine theoretical knowledge should be written and not verbal.

**Justification:**

Accountability - Verbal questioning is not auditable or quantifiable, a 'satisfactory level' knowledge cannot be recorded or assessed without a pass mark.

Clarification - What is the definition of 'satisfactory level'.

Safety/Standardisation - Level of theoretical knowledge will vary without

	<p>standardisation of amount and content of the oral questions.  Consistency – This is inconsistent with other type rating theoretical knowledge requirements -Form D at AMC to Appendix 9 requires 75% pass mark for theoretical knowledge  <b>Proposed Text: (if applicable)</b>  FCL.725 (b)(2) For single – pilot single-engine and multi-engine....  Delete paragraph (3) in toto</p>
response	<p><i>Not accepted</i></p> <p>In accordance with the Basic Regulation, theoretical knowledge must be assessed. However, taking into account the principle of proportionality, a verbal examination was considered sufficient for single engine class ratings.</p>
comment	<p>5585 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.725(c)  <b>Page No:</b> 35 of 647  <b>Comment:</b> The second sub-paragraph could be better worded  <b>Justification:</b>  It is not clear that a maximum period of 6 months exists both between course completion and skill test, and between skill test and application. Furthermore, the wording does not set any time constraints on the length of course and this is not determined elsewhere in the rules.  <b>Proposed Text: (if applicable)</b>  The applicant shall pass the skill test within a period of 6 months after commencement of the type rating training course and within a period of 6 months preceding the application for the issue of the type or class rating.</p>
response	<p><i>Accepted</i></p> <p>The text has been amended accordingly.</p> <p>Please see also the reply to comment 990 above.</p>
comment	<p>5694 <span style="float: right;">comment by: FNAM (Fédération Nationale de l'Aviation Marchande)</span></p> <p>(b)(4) only applies for single pilot high performance aeroplanes. For multi-pilot high performance aircraft type rating, an assessment of the theoretical knowledge is already performed before the FFS phase and there is no need to duplicate it. We suggest the following wording :  "high performance <b>single-pilot</b>-aeroplane"</p>
response	<p><i>Partially accepted</i></p> <p>Text has been amended to refer specifically to single-pilot high performance aeroplanes.</p>
comment	<p>5860 <span style="float: right;">comment by: EFLEVA</span></p> <p>FCL 725 b 3 Issue of class and type ratings.  EFLEVA supports the proposed amendment whereby the theoretical knowledge examination related to single engine aircraft will be conducted verbally.</p>
response	<p><i>Noted</i></p> <p>Thank you for your positive feedback.</p>

comment	5983	comment by: <i>Icelandic CAA</i>
	Second paragraph of item (c) indicates that skill test shall be passed within a 6 months period after completion of the type rating course. In our view the type rating course (incl. landings in a/c if not ZFTT ) and the skill test should be completed within a 6 months period (Ref. JAR-FCL 1.240(a)(4)).	
response	<i>Noted</i>	
	Please see the reply to comment 990 above.	
comment	6016	comment by: <i>ENAC TLP</i>
	(3) the theoretical knowledge examination for single engine aircraft should be written too (at least 40 multi choice questions)	
response	<i>Not accepted</i>	
	Although a theoretical knowledge examination is necessary, a verbal examination was assessed to be sufficient, in accordance with the principle of proportionality. This was the system in JAR-FCL, and the Agency does not intend to change it.	
comment	6289	comment by: <i>Axel Schwarz</i>
	Under (c), 2nd paragraph refer to "type OR CLASS rating training course".	
response	<i>Accepted</i>	
	Text will be amended accordingly.	
comment	6413	comment by: <i>CAA Finland</i>
	FCL.725(b)(3): Headline is: examination organized by the approved training organization. (b)(3) requires only verbal examination by the examiner. The paragraph FCL.725(b)(3) shall be renumbered as FCL.725(c) and respectively current (b)(4) as (b)(3).	
response	<i>Not accepted</i>	
	The fact that the examination is conducted by the examiner doesn't mean that the training organisation shouldn't be involved in its organisation.	
comment	6414	comment by: <i>CAA Finland</i>
	FCL.725(b)(3), verbal examination: An examiner's legal protection sometimes needs written documentation. The regulations shall not prohibit the examiner to take appropriate examination. In possible case of teasing the examinee may have another examiner.  theoretical knowledge examination shall be written or conducted verbally by the examiner during the skill test, to determine whether or not a satisfactory level of knowledge has been achieved.	
response	<i>Not accepted</i>	

In accordance with the Basic Regulation, theoretical knowledge must be assessed. However, taking into account the principle of proportionality, a verbal examination was considered sufficient for single-engine class ratings. This was the system in JAR-FCL, and the Agency does not intend to change it.

comment 6421 comment by: CAA Finland

FCL.725(c):

Skill test within 6 months. There is not guidance how to proceed if time limit is exceeded. New text proposal (might be as an AMC as well):

...for the issue of the type or class rating or the applicant shall take refresher training at an approved training organisation, to reach the level of proficiency needed to pass the skill test. The amount of training needed to reach the desired level of proficiency should increase with the time lapsed. The following may be taken as guidance when determining the needs of the applicant:

(a) Expiry for a period shorter than 3 months: theoretical examination and 1 training session on FSTD/aircraft

(b) Expiry for longer than 3 months but shorter than 1 year: theoretical examination and 2 training sessions on FSTD/aircraft

(c) Expiry for longer than 1 year but shorter than 3 years: theoretical examination and 3 training sessions on FSTD/aircraft

(d) Expiry for longer than 3 years: the applicant should undergo the full training course for the issue of the type or class rating.

response *Not accepted*

Your proposal seems to be directed at the refresher training needed for the renewal of a rating. It doesn't seem appropriate to this case. Furthermore, the Agency considers that the amount of time given is appropriate.

comment 6560 comment by: Light Aircraft Association UK

Paragraph b)3). The LAA approves the proposed amendment related to single engine aircraft for which the theoretical knowledge examination will be conducted verbally.

response *Noted*

Thank you for your positive feedback.

comment 6743 comment by: CAA CZ

The last sentence:

The applicant shall pass the skill test within a period of 6 months after completion of the type rating training course and preceding the application for the issue of the type or class rating.

has a different meaning than in JAR-FCL 1.240(a)(4) and 2.240(a)(3):

The type rating course, including theoretical knowledge, shall be completed within the 6 months preceding the skill test.

The sentence should be amended to ensure that the NPA has the same meaning as the original requirement in JAR-FCL, or added to the provisions of FCL.725(a). Otherwise, the requirement for maximum length of a type course

	will not be specified in this NPA.
response	<i>Noted</i> Please see the reply to comment 990 above.
comment	7200 comment by: <i>CHC Europe EASA Ops Team - representing 550 pilots across Europe</i>  (b) (1) 100 multi-choice questions seem excessive. Request justification/rationale for this figure.
response	<i>Not accepted</i>  100 was assessed as a minimum by the experts. This was the system in JAR-FCL, and the Agency does not intend to change it.
comment	7799 comment by: <i>Europe Air Sports, VP</i>  EAS recommends clarification of 725 (b) (3) and the statement concerning single engine single pilots that the theoretical knowledge examination shall be conducted verbally by the Examiner. To our opinion, any aeroplane PPL A license will contain a class rating like SEP land or SEP sea or TMG. No other class ratings are available. The only additional single engine class rating which can be acquired is for a SEP PPL pilot the TMG class rating. But as the theoretical training is identical for SEP and TMG in the PPL A training it does not make sense to ask for a differential theoretical examination. It is acknowledged that the situation is different for extending the SEP land to SEP sea where there is a real difference in the rating.
response	<i>Not accepted</i>  In accordance with the Basic Regulation, theoretical knowledge must be assessed. However, taking into account the principle of proportionality, a verbal examination was considered sufficient for single-engine class ratings.
comment	8116 comment by: <i>HeliAir Ltd</i>  Approved Training Course in the UK means fees and inspections, with a huge 'administrative' input. Disproportionatly unecessary for <i>simple</i> helicopters...
response	<i>Not accepted</i>  The requirement for an approval does not imply necessarily a huge administrative input. The principle of proportionality is relevant in that respect.
comment	8280 comment by: <i>Paul Mc G</i>  Para b3).If this means that the theoretical knowledge examination for single engine aircraft will be conducted verbally, then this is a sensible simplification.
response	<i>Noted</i>  Thank you for your positive feedback.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 1: Common Requirements — FCL.740 Validity and renewal of class and type ratings**

p. 35

comment

375

comment by: REGA

**STATEMENT**

Unlike to the aeroplane regulations a class rating for helicopter doesn't exist. As a consequence each helicopter rating has to be evaluated individually - beside the revalidation option within a certain group of single engine helicopters.

**PROPOSAL**

Analog the aeroplane revalidation requirements, helicopters shall be collected as classes:

1. Class - Single-Engine (piston or turbine)
2. Class - Multi-Engine
  - The type ratings listed in the pilot's licence doesn't expire. Alternatively to the proficiency check, pilots have to pass an flight review each 24 months, taken by an instructor. The content of the flight review will be decided by the instructor, who signs the pilot's logbook.
  - If a pilot hasn't flown a helicopter during the preceeding 90 days, he/she has to pass a flight review for the specific type rating.

1. Class - Single-engine

Pilots have to pass a flight review every 24 months on one of the single-engine helicopters typs he/she rated for.

2. Class - Multi-engine

For Multi-Engine helicopters the pilot has to pass every 24 months a flight review on each multi-engine helicopters he/she intents to fly.

response

*Not accepted*

Different classes were not assessed as an option for helicopters, and were not included in JAR-FCL 2. The Agency does not intend to change it at this time. You may wish to make a proposal for a rule amendment, with a different assessment.

comment

395

comment by: Rod Wood

This appears to be in contradiction to FCL 140.H and is introducing different renewal/revalidation requirements. This is a more stringent requirement to 140.h and that is for a lower experienced license holder. The requirements must be standardised to avoid confusion. See also 140(H).

response

*Not accepted*

FCL.140.H deals with recency requirements, whereas FCL.740 deals with renewal requirements. Those are additional requirements. They do not contradict.

comment

498

comment by: FOCA Switzerland

H/Section 1  
FCL.740

	<p>General</p> <p>For harmonisation reason there should be no difference between aeroplane and helicopter class and type-ratings.</p> <p>Proposal:</p> <p><b>With reference to FCL.725 a similar validity for helicopter classes should be possible.</b></p> <p><b>(b)(1) Text to compare with AMC.FCL.740 (b)(1)</b></p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 375 above.</p>
comment	<p>539 <span style="float: right;">comment by: <i>Swedish Coast Guard</i></span></p> <p>We are looking for a better flexibility if a pilot cannot perform his/her PC before the expiry date.</p> <p>We have instructors with SFI/TRE that we would like to use in this case but the regulation indicates that we need to have a TRTO to perform the training before PC.</p> <p>regards</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing this comment. The Agency nevertheless considers it necessary for safety reasons to keep the requirement as proposed in the text.</p>
comment	<p>632 <span style="float: right;">comment by: <i>British Microlight Aircraft Association</i></span></p> <p>(b) Strongly disagree. There can be no valid reason to require refresher training for all expired ratings. This will require training for a renewal of a rating that has expired by just one day. There should be a reasonable time after expiry before training is required before test.</p>
response	<p><i>Partially accepted</i></p> <p>Refresher training is not required for all expired rating. Actually, AMC to FCL.740(b)(1) even sets, as a guidance: 'expiry shorter than 3 months: no supplementary requirements'. The text will be reviewed accordingly.</p>
comment	<p>805 <span style="float: right;">comment by: <i>Geschäftsführer Luftsportverband RP</i></span></p> <p>Dem PPL wird quasi dieselben teuren Auflagen verpasst, die der Flugkapitän erfüllen muss. Es besteht aber ein großer Unterschied darin, wer die Kosten trägt. Sämtliche Prüferkosten kann der Privatmann nicht in die Sicherheit des eigenen Fliegens stecken.</p> <p>Bei Renewal sollte ein Punkt (3) angehängt werden für den single-pilot, single-engine, dass:</p> <p>take refresher training according FCL.740.A (b) (ii) with or under supervision of an FI, to reach the level to safely operate the relevant type or class of aircraft</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 1155 in this segment.</p>

comment	<p><b>1150</b> <span style="float: right;">comment by: <i>Schäfer</i></span></p> <p>Bei einer Erneuerung muß ein Auffrischungstraining mit einem Fluglehrer ausreichend sein.m0</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 1155 in this segment.</p>
comment	<p><b>1155</b> <span style="float: right;">comment by: <i>KLSPublishing</i></span></p> <p>740 (b) there is point (3) missing for single-engine class up to 2.000 kg for which the renewal is done mostly combined with the training flight every two years</p>
response	<p><i>Not accepted</i></p> <p>A mere training is not enough to assess the skills of a pilot, thus allowing to renew his/her licence. For a renewal, it is necessary to pass a proficiency check.</p>
comment	<p><b>1199</b> <span style="float: right;">comment by: <i>Luftsportverband Rheinland Pfalz</i></span></p> <p>FCL 740 (b) Renewal ist zu ändern Die deutsche Lizenz ist unberechtigt gültig. Durch ein refresher training und ein Proficiency check werden die alten Rechte eingeschränkt. Ein Refresher training und ein profiency check kosten Geld, das besser in Flugstunden investiert wird. Die Erneuerung einer Lizenz wird durch refresher training und profiency check deutlich teurer Neuer Text Vorschag: (b) Renewal. If a class or type rating has expired, the applicant shall: Einen einstündigen Trainings-Flug mit einem Fluglehrer durchführen und das notwendige Training (Flugzeit und Starts) unter der Aufsicht eines Fluglehrers nachholen. Das benötigte Training (Flugzeit und Starts) entspricht den Bedingungen für eine Verlängerung.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 1155 in this segment.</p>
comment	<p><b>1268</b> <span style="float: right;">comment by: <i>PPL/IR Europe</i></span></p> <p>Comment on para (b)</p> <p>JAR-FCL 1.245(f) currently reads <i>(f) Expired Ratings</i> <i>(1) If a type rating or multi-engine class rating has expired, the applicant shall meet any refresher training requirements as determined by the Authority and complete a proficiency check in accordance with Appendices 1 and 2 or 3 to JAR-FCL 1.240.</i></p> <p>However, the practice for under JAR-FCL has not been to require formal training at an FTO to renew an expired class rating. This practice has been successful and there is no safety case to change it.</p>

General comment on FCL.625 and FCL.740

The requirement for refresher training at an approved organisation in the case of an expired Instrument or Class rating adds unnecessary cost and inflexibility, given that the Proficiency Check is, in of itself, a mechanism which ensures that a pilot has undertaken training needed, or has sufficient currency, to meet the standards of the rating.

Additionally, there is no case to mandate that refresher training must take place at an approved training organisation. It has been normal and safe practice that independent instructors may undertake recurrent and refresher training.

Our proposed wording is:

(b) Renewal. If a class or type rating has expired, the applicant shall pass a proficiency check in accordance with Appendix 9 to this Part; having taken refresher training if needed

response *Partially accepted*

Please see replies to comments 539 and 632 above.

comment

1315

comment by: *Bristow Helicopters*

Validity period should be to the end of the month to align with IR and Ops validity period.

Change paragraph (a) text to:

This period shall be counted from the **end of the month** of issue or renewal.....

Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.

response *Partially accepted*

Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.

comment

1398

comment by: *Wilfried Müller*

Renewal of a license would require flying time with and under control of a FI. When the conditions are completed, the FI should be entitled to endorse the license.

Wilfried Müller 11-27-2008

response *Noted*

Please see the reply to comment 539 above.

comment

1607

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

**STATEMENT**

Unlike to the airplane regulations a class rating for helicopter does not exist. Consequently, each helicopter rating has to be evaluated individually - beside the revalidation option within a certain group of single engine helicopters.

**PROPOSAL**

Analog the airplane revalidation requirements, helicopters shall be collected as classes:

- 1. Class - Single-Engine (piston or turbine)
- 2. Class - Multi-Engine
- The type ratings listed in the pilot's licence does not expire. Alternatively, to the proficiency check, pilots have to pass an flight review each 24 months, taken by an instructor. The instructor, who signs the pilot's logbook, will decide the content of the flight review.
- If a pilot has not flown a helicopter during the preceding 90 days, he/she has to pass a flight review for the specific type rating.

1. Class - Single-engine

Pilots have to pass a flight review every 24 months on one of the single-engine helicopters types he/she rated for.

2. Class - Multi-engine

For Multi-Engine helicopters the pilot has to pass every 24 months a flight review on each multi-engine helicopters he/she intends to fly.

response *Not accepted*

Please see the reply to comment 375 above.

comment

1710

comment by: *Sven Koch*

Gültigkeit einer Klassen-/Typenberechtigung 12 Monate; für SEP 24 Monate. Zeitrechnung vom Datum der letzten Erneuerung. Erneuerung erfordert Auffrischungstraining und einen Prüfercheck Erneuerung: Auffrischung mit oder unter Aufsicht eines FI

response

*Noted*

Thank you for providing your opinion, but the Agency does not understand the meaning behind this comment.  
It seems to be only a more or less exact German translation of some elements contained in FCL.740.

comment

1747

comment by: *Stephan Johannes*

Sehr geehrte Damen und Herren,

wenn eine Lizenz wegen zu geringer Starts bzw. Stunden nicht mehr ausgeübt werden darf, so sollten die fehlenden Starts und Stunden mit bzw. unter Aufsicht eines Fluglehrers durchgeführt werden können.

Es ist kein Sicherheitsgewinn, wenn jetzt ein Prüfungsflug und ein Auffrischungstraining erforderlich ist. Hier werden nur die Kosten in die Höhe getrieben.

Mit freundlichem Gruß  
Stephan Johannes

response

*Noted*

Thank you for providing your opinion.

comment	<p>1848 <span style="float: right;">comment by: <i>Reinhard Weihermueller</i></span></p> <ul style="list-style-type: none"> <li>- Pflichtstunden sollen wie bisher bleiben 12h gesamt</li> <li>- kein Überprüfung mit Prüfer, Fluglehrer soll genügen</li> <li>- man kann den Übungslug mit Fluglehrer standardisieren und dokumentieren</li> </ul>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p>
comment	<p>1991 <span style="float: right;">comment by: <i>Esko RUOHTULA</i></span></p> <p>According to daft FCL.740 and 740.A the period of validity of class and type ratings, except single-pilot single-engine class ratings, is 12 months from the date of expiry, if revalidated before its expiry, and the revalidation may be done up to three months before the date of expiry. In other words a type or class rating can be revalidated for a period of up to 15 months from the date of proficiency check. My question is, why can't a proficiency check be done, and an examiner revalidate, a rating more than three months before the date of expiry? Why is a pilot "punished" for taking a proficiency check more often than required?</p> <p>In order to provide more flexibility, I propose to change FCL.740 (a) to read:</p> <p><i>Validity and revalidation</i></p> <ol style="list-style-type: none"> <li>(1) The period of validity of class and type ratings shall be 12 calendar months from the end of the month of issue or renewal, except for single-pilot single class ratings, for which the period of validity shall be 24 calendar months.</li> <li>(2) The period of validity shall be 12 calendar months from the date of issue, renewal or revalidation if revalidated within the three months immediately preceding the expiry date, except for single-pilot single class ratings, for which the period of validity shall be 24 calendar months.</li> <li>(3) If a class or type rating is revalidated more than three months before the date of expiry, the period of validity is 14 months from the end of the month of revalidation, except that for single-pilot single-engine class ratings the period of validity is 26 calendar months.</li> </ol>
response	<p><i>Not accepted</i></p> <p>The validity periods proposed in the NPA were those established in JAR-FCL. The Agency considers them as adequate, and does not intend to change them at this time.</p>
comment	<p>2126 <span style="float: right;">comment by: <i>British International Helicopters</i></span></p> <p>Validity period should be to the end of the month to align with IR and Ops validity period.</p> <p>Change paragraph (a) text to: This period shall be counted from the <b>end of the month</b> of issue or renewal.....</p> <p>Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.</p>
response	<p><i>Partially accepted</i></p>

Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.

comment 2176 comment by: *Oelschlaeger, Harald*

Erneuerung: Auffrischung mit oder unter Aufsicht eines FI.

response *Noted*

Please see the reply to comment 539 above.

comment 2335 comment by: *AECA(SPAIN)*

Validity period should be to the end of the month to align with IR and Ops validity period.

Change paragraph (a) text to:

This period shall be counted from the **end of the month** of issue or renewal.....

Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.

response *Partially accepted*

Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.

comment 2444 comment by: *Dr. Horst Schomann*

Problem: In subparagraph (a) the TMG is missing.

Proposed solution: Add TMG in the first sentence: except for single-engine piston aircraft and touring motor glider class rating, for which .... 24 calendar month.

Justification: SEP and TMG are dedicated throughout the document. See FCL.740.A (b) for reference.

response *Partially accepted*

The actual wording is 'single-pilot single-engine class ratings', which includes TMGs. However, the document will be checked for consistency.

comment 2752 comment by: *French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots*

FFA fully agrees with the extended period of validity for single pilot, single engine, class ratings.

response *Noted*

Thank you for your positive feedback.

comment 3057 comment by: *Peter SCHMAUTZER*

The period is here 12 calendar months or 24 calendar months. This is

	inconsistent with FCL.625 (a) where the validity is one year, either the period is in regulated in years or in months.
response	<p><i>Noted</i></p> <p>The text of the NPA is consistent with JAr-FCL 1.245 (a) and (c).</p>
comment	<p>3230 <span style="float: right;">comment by: <i>Egon Schmaus</i></span></p> <p>FCL.740.A (b) (2) ...requirements in (1)(i) "or comply with the requirements in (1)(ii), but inszead of a training flight conduct a check flight with a senior instructor according to the demands of a proficiency check"</p> <p>Reason: for non-FI pilots, a check with a senior instructor according to the demands of a proficiency-check is sufficient to save manpower of examiners</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment no 539 above.</p>
comment	<p>3382 <span style="float: right;">comment by: <i>Christian Körner</i></span></p> <p>Let's switch to a really practical system to renew a class rating, the biennial flight review, as it is used in the US. Therefore I suggest to remove section (2).</p>
response	<p><i>Not accepted</i></p> <p>The proposal does not seem to be practical. It is dificult to envisage a biennial flight review for a rating which has expired for more than two years.</p>
comment	<p>3632 <span style="float: right;">comment by: <i>M Wilson-NetJets</i></span></p> <p>FCL. 740 (b)(1)</p> <ul style="list-style-type: none"> <li>• Proposed wording does not allow for brief expiration period before renewal</li> </ul> <p>Suggestion: change "and" to "or"</p>
response	<p><i>Not accepted</i></p> <p>Changing 'and' to 'or' would actually suppress the renewal concept. The duration of expiration is to be taken into account when assessing the refresher training needed, as stated in AMC to FCL.740(b)(1).</p>
comment	<p>3815 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL.740 (a) This wording is consistent with FCL.940 and FCL.1025 (a). Strokes elements are not consistent with AR.FCL.215 which says : <i>"When issuing, revalidating or renewing a rating or instructor certificate, the competent authority shall extend the validity period of the rating or instructor certificate until the end of the month in which the validity would otherwise expire. That date shall remain the expiry date of the rating or instructor"</i></p>

certificate."

Future work ! AMC to FCL.1025 should be withdraw and AR.FCL.215 amended as follow : "When issuing, revalidating or renewing a rating of instructor or examiner certificate, the competent authority shall .....

**we propose the following modification :**

FCL.740 (a) should read : **A class and type rating shall be valid for 1 year, except for single-pilot single-engine class rating which is valid for 2 years** The period of validity of class and type ratings shall be 12 calendar months, except for singlepilot single engine class ratings, for which the period of validity shall be 24 calendar months. This period shall be counted from the date of issue or renewal or, if the rating is revalidated before its expiry date, from that expiry date.

response *Partially accepted*

Text has been amended as proposed.  
This rule has to be applied naturally in conjunction with AR.FCL 240

comment **3917**

comment by: *DCA Malta*

FCL.740 (b)(1) is in contradiction with AMC.FCL 740(b)(1)

response *Accepted*

The amount of refresher training has to be determined, as proposed in AMC.FCL 740(b)(1), and may possibly be reduced to none.  
The text will be revised accordingly.

comment **4099**

comment by: *SFVHE*

**Wie bisher Übungsflüge mit Fluglehrer oder dessen Aufsicht**

response *Accepted*

Please see the reply to comment 539 above.

comment **4404**

comment by: *Bond Offshore Helicopters*

Validity period should be to the end of the month to align with IR and Ops validity period.

Change paragraph (a) text to:

This period shall be counted from the **end of the month** of issue or renewal.....

Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.

response *Partially accepted*

Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.

comment **4631**

comment by: *Patrick Diewald*

response	<p>Ein Prüfungsflug ist vollkommen überzogen, ein 1stündiger Überprüfungsflug mit Fluglehrer reicht hier vollkommen aus.</p> <p><i>Not accepted</i></p> <p>In case of a rating expiry, it is necessary to check whether the pilot is still proficient, thence the proficiency check requirement.</p>
comment	<p>4647 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>Validity period should be to the end of the month to align with IR and Ops validity period. Change paragraph (a) text to: This period shall be counted from the <b>end of the month</b> of issue or renewal.....</p> <p>Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.</p>
response	<p><i>Partially accepted</i></p> <p>Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.</p>
comment	<p>4739 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>FCL.740(a) Here, the validity period is counted from the date of issue or renewal, or if revalidated before expiry date, from that expiry date. This brings up several issues:</p> <p>First, for issue or renewal, the validity period should be counted from the date of the skill test/proficiency check. This is necessary for consistency. Just because one authority might need longer time for the issuing or renewing of ratings than another authority should not lead to a longer validity period from the date of the test/check. The counting should start on the date the candidate actually proves his/her skills or proficiency, not at a purely administrative point in time.</p> <p>Secondly: The last sentence of the para states that "...if revalidated before expiry date, from that expiry date". This does not make sense. As it is written, a candidate could do a skill test on day 1, then, 10 days later, do a proficiency check. As this para is written, he/she would then get another full validity period added to the rating. Then, 10 days later, do yet another proficiency check..... and he/she could indeed accumulate a very long validity this way. Anyway all revalidations have to be done prior to expiry date - otherwise it is a renewal, not a revalidation. Renewals are covered in FCL.740(b). Para FCL.740(a) does not take into account that revalidating within the 3 months prior to expiry date results in keeping the same date - so the sentence has to be re-written. This should take into account the two possible revalidation scenarios: Within the last three months of validity (maintains same expiry date), and before the last three months of validity (results in new expiry date, 12 months (24 for SE class rating) from date of proficiency check.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 3815 above.</p>

comment	<p>4775 <span style="float: right;">comment by: CAA Belgium</span></p> <p>(b) (1) is in contradiction with AMC.FCL.740 (b) (1)</p>
response	<p><i>Accepted</i></p> <p>The amount of refresher training has to be determined and may possibly be reduced to none. The text will be revised accordingly.</p>
comment	<p>4860 <span style="float: right;">comment by: HUTC</span></p> <p>Validity period should be to the end of the month to align with IR and Ops validity period. Change paragraph (a) text to: This period shall be counted from the <b>end of the month</b> of issue or renewal..... Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.</p>
response	<p><i>Partially accepted</i></p> <p>Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.</p>
comment	<p>5576 <span style="float: right;">comment by: Belgian Gliding Federation</span></p> <p><i>FCL.740.A (b) (1)</i> (i) <i>"within the three months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner; or"</i></p> <p>Comment: The BGF does not agree with the three months "window" before expiry of the licence if the applicant was not able to fulfil the requirements given under (ii). We propose that the period preceding the expiry date should be 12 months and that the check should be performed by a LAFI or FI. Justification for this is, that gliding is a seasonal activity, highly weather dependent, and particularly in northern Europe with restricted daylight hours and therefore, there is not the capacity at all clubs or in all countries to meet this requirement. A flight instructor will be able to validate the maintained skills of the applicant and no further financial burden will be generated. We do not see any decrease in safety if the check is performed by a flight instructor. See also comment against FCL 140 S re roles of instructors and examiners in gliding.</p> <p><b><u>Proposal:</u></b> (j) <i>"within the twelve months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an instructor; or"</i></p>
response	<p><i>Not accepted</i></p> <p>According to the present FCL proposal, glider pilot will not be required to pass class rating. Therefore, there is no reason to request this extension for class ratings.</p>

comment	5606	comment by: UK CAA
	<p><b>Paragraph:</b> FCL. 740  <b>Page No:</b> 35 of 647  <b>Comment:</b> If a helicopter rating has expired then the training required in paragraph (b)(1) must at least consist of the revalidation requirements of FCL.240.H (a) (2) i.e. 2 hours including the LPC.  Additionally the requirement for theoretical knowledge revision should be specified.  <b>Justification:</b> Safety/Clarification/Consistency – If a minimum is not specified then a pilot can renew an expired rating with less flight time than required for the revalidation. If the rating has expired for a number of years theoretical knowledge revision and testing will be required.  <b>Proposed Text: (if applicable)</b>  New paragraph  FCL.7409b)(1) take theoretical and flight training at an approved training organisation, to reach the level of proficiency necessary to safely operate the aircraft type or class of aircraft, to include as a minimum the requirements of the relevant type or class of aircraft revalidation and:</p>	
response	<i>Not accepted</i>	
	The renewal requirements are actually more stringent than the revalidation requirements, since two conditions are required instead of one.	
comment	5861	comment by: EFLEVA
	EFLEVA supports the extended period of validity for single pilot single engine class ratings.	
response	<i>Noted</i>	
	Thank you for your positive feedback.	
comment	5863	comment by: EFLEVA
	EFLEVA is of the view that this rule amendment would require more FEs. FEs holding a PPL rather than a CPL could be used for this task.	
response	<i>Noted</i>	
	The rule has not changed in relation to JAR-FCL 1.245(f).	
comment	6294	comment by: Axel Schwarz
	Requiring re-training in an ATO already after the first day of rating expiry seems too restrictive. I suggest a period of e.g. 3 months during which the pilot may renew the expired rating by fulfilling the revalidation requirements (in analogy to the possibility to perform the revalidation 3 months in advance) to cater for unforeseen circumstances (weather, illness, operational difficulties, simulator serviceability, ...). After this period training in an ATO may be required.	
response	<i>Partially accepted</i>	
	Refresher training is not required for all expired rating. Actually, AMC to	

FCL.740(b)(1) even sets, as a guidance: 'expiry shorter than 3 months: no supplementary requirements'.

comment 6567 comment by: *Light Aircraft Association UK*

Paragraph a). The LAA approves the extended period of validity for single pilot single engine class ratings. The safety case for requiring 'refresher training' at an ATO has not been demonstrated: the UK system has a very good safety record without this requirement. In addition, there is the associated cost increase for the pilot.

response *Accepted*

The amount of refresher training has to be determined, as proposed in AMC.FCL 740(b)(1), and may possibly be reduced to none. The text will be revised accordingly.

comment 6822 comment by: *UK CAA*

**Paragraph:** FCL.740 (a)

**Page No:** 35 of 647

**Comment:** The validity of a type rating should extend from the date of successful skill test and not from date of issue. The validity, revalidation and renewal should be consistent with Part Ops and with the provision of Examiners. The validity of a rating should be counted in addition to the remainder of the month of issue.

**Justification:** This would standardise and align it with the Operator Proficiency Check provisions that are normally conducted as a combined check and Examiner provisions.

**Proposed Text:** The period of validity of class and type ratings shall be twelve calendar months in addition to the remainder of the month of issue, except for single-pilot single-engine class ratings, for which the period of validity shall be 24 calendar months in addition to the remainder of the month of issue. If revalidated within the final three calendar months of validity of a previous proficiency check, the period of validity shall extend from the expiry date of that previous proficiency check.

response *Partially accepted*

Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.

comment 6897 comment by: *CAA CZ*

para (a)

Validity of rating cannot be counted as 12 or 24 months from the date of issue or renewal but from the date when the skill test was conducted to obtain the rating.

response *Noted*

Please see the reply to comment 3815 above.

comment 6904 comment by: *CAA CZ*

When a requirement for renewal of the rating within 3 months before the

expiry is applied, it should be stated what happens when the proficiency check is performed earlier, for example 4 months before the expiry date. For these cases it should be stated that validity of the qualification will be calculated from the date of passing the proficiency check, i.e. + 12 or 24 months.

response *Noted*

Please see the reply to comment 3815 above.

comment

6947

comment by: *Austrian Aero Club*

**FCL.740 Gültigkeit und Erneuerung von Klassen- und Musterberechtigungen**

Der Österreichische Aero Club regt eine einheitliche Regelung an, wobei die Periode entweder in Jahren oder in Monaten geregelt werden sollte.

response *Noted*

Please see the reply to comment 3815 above.

comment

7039

comment by: *CAA Norway*

FCL.740(a)

Here, the validity period is counted from the date of issue or renewal, or if revalidated before expiry date, from that expiry date. This brings up several issues:

First, for issue or renewal, the validity period should be counted from the date of the skill test/proficiency check. This is necessary for consistency. Just because one authority might need longer time for the issuing or renewing of ratings than another authority should not lead to a longer validity period from the date of the test/check. The counting should start on the date the candidate actually proves his/her skills or proficiency, not at a purely administrative point in time.

Secondly: The last sentence of the para states that "...if revalidated before expiry date, from that expiry date". This does not make sense. As it is written, a candidate could do a skill test on day 1, then, 10 days later, do a proficiency check. As this para is written, he/she would then get another full validity period added to the rating. Then, 10 days later, do yet another proficiency check..... and he/she could indeed accumulate a very long validity this way. Anyway all revalidations have to be done prior to expiry date - otherwise it is a renewal, not a revalidation. Renewals are covered in FCL.740(b). Para FCL.740(a) does not take into account that revalidating within the 3 months prior to expiry date results in keeping the same date - so the sentence has to be re-written. This should take into account the two possible revalidation scenarios: Within the last three months of validity (maintains same expiry date), and before the last three months of validity (results in new expiry date, 12 months (24 for SE class rating) from date of proficiency check.

response *Noted*

Please see the reply to comment 3815 above.

comment

7113

comment by: *CHC Europe EASA Ops Team - representing 550 pilots across Europe*

Validity period should be to the end of the month to align with IR and Ops

	<p>validity period.  Change paragraph (a) text to:  This period shall be counted from the <b>end of the month</b> of issue or renewal.....  Justification: End of the month validity is allowed elsewhere in the rules. It would be more elegant if the basic rule reflected this validity period.</p>
response	<p><i>Partially accepted</i></p> <p>Setting the validity to the end of the month is already provided in AR.FCL.215, as proposed in NPA 2008-22.</p>
comment	<p>7252 <span style="float: right;">comment by: ECOGAS</span></p> <p>Current wording as follows: "(b) Renewal. If a class or type rating has expired, the applicant shall:  (1) take refresher training at an approved training organisation, to reach the level of proficiency necessary to safely operate the relevant type or class of aircraft; and"  does not allow for brief expiration period before renewal  Suggestion: change final "and" to "or"</p>
response	<p><i>Not accepted</i></p> <p>Changing 'and' to 'or' would actually suppress the renewal concept. The duration of expiration is to be taken into account when assessing the refresher training needed, as stated in AMC to FCL.740(b)(1).</p>
comment	<p>7384 <span style="float: right;">comment by: Esko RUOHTULA</span></p> <p>Holder of a LPL(A) is only required to pass a proficiency check once in every 6 years (FCL.140.A) but if a holder of a PPL, CPL or ATPL with a single-pilot single-engine rating wants to fly single-engine piston airplane with MTOM 2000 kg or less, he is required, depending on recent experience, to pass a proficiency check or complete a training flight with instructor (FCL.740.A(b)) once in every 24 months. This is not acceptable and the requirements should be harmonized.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 5863 above.</p>
comment	<p>8209 <span style="float: right;">comment by: Klagenfurter Flugsport Club</span></p> <p>Wir sind für eine einheitliche Regelung, entweder in Jahren oder Monaten.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion which will be taken into account in drafting the final text.</p>
comment	<p>8225 <span style="float: right;">comment by: AOPA Sweden</span></p> <p>If the class/type or IR rating has expired, but has been invalid for a shorter period than 12 months, we suggest that no refresher training is needed. Sweden is a large country and the distance to find an FTO is very long and a</p>

PC that is passed would be enough to fulfil any flight safety requirements. The distance to a training organisation with the right privileges can often be 250 km or 1000 km for large parts of the country. In central Europe this might not be a problem but in Sweden the costs for just travelling to a training organisation will be much higher than the training itself. The requirement to impose refresher training if the rating has expired with ONE day is not reasonable nor justified. In case the agency suggests that refresher training will be needed, we suggest that it can be given by any certified instructor.

response *Accepted*

The amount of refresher training has to be determined, as proposed in AMC.FCL 740(b)(1), and may possibly be reduced to none. Additionally, see the reply to comment 539 above.

comment **8281**

comment by: *Paul McG*

Para a). The extended period of validity for single pilot single engine class ratings seems reasonable. The safety case for requiring refresher training at an ATO has not been demonstrated: There is a cost increase for without obvious safety improvement and how is a type rating on a single seater organised? Just an additional though?

response *Accepted*

The amount of refresher training has to be determined, as proposed in AMC.FCL 740(b)(1), and may possibly be reduced to none. The text will be revised accordingly.

comment **8308**

comment by: *Bertram UNFRIED*

Zur Vereinfachung der Termine bei der FCL, der verschiedenen Gültigkeiten von Dokumenten etc. sollte eine vernünftige Änderung eingebracht werden. Z.B. Gültigkeit der Dokumente 4 Jahre; Gültigkeit der Lehrberechtigung ebenfalls 4 Jahre; Verlängerung der Berechtigung nach 2 Jahren durch einen Fluglehrer. Damit würde dem Termin Wirrwarr der zur Zeit herrscht Einhalt geboten.

response *Noted*

Thank you for providing your opinion. The validity of qualifications was established in JAR-FCL. The Agency does not intend to change it at this time, without a dedicated assessment.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 2: Specific Requirements for the aeroplane category — FCL.720.A Experience requirements and prerequisites for the issue of class or type ratings — p. 35-36 aeroplanes**

comment **297**

comment by: *Michel Lacombe AF TRTO*

FCL 720 A (c) Multi-pilot aeroplanes : Applicants for the first type rating course:

**IR(A) validity :**

We have presently an equity problem with this point as the IR(A) has to valid

before entering the course.

So the applicants whose IR (A) expires one day before entering the first type rating course have to come back to an ATO to be trained and pass the skill test on an **aircraft** (at least each alternate) before going to the type rating.

And the ones whose IR(A) expires when they have started the type rating may renew it when passing the type rating skill test prescribed in Appendix 9 to this Part (by taking section 6 of this Appendix).

We meet many recruited pilots waiting the companies to send them back to a plane to revalidate (or even renew) their IR(A), certainly due to the costs.

We understand that for the first type rating the IR (A) competencies must still be very present in the pilot skills.

The AMC to FCL 625 (c) determines the amount of training required.

So we would like an evolution of this paragraph to :

#### **FCL 720 A Experience requirements.....**

*(c) Multi-pilot aeroplanes.* An applicant to the first type rating course for a multi-pilot aeroplane shall be a student currently undergoing training on a MPL training course or comply with the following requirements :

1) have at least 70 hours as pilot-in-command of aeroplanes;

2) have a multi-engine IR(A) valid (or not expired longer than six month and having, after an evaluation, followed an adapted refresher training in the ATO before entering the type rating course, in accordance with AMC to FCL 625(c)).

response *Not accepted*

The Agency's proposal is an exact copy of JAR-FCL 1.250(a)(ii). The Agency does not intend to change it at this time, without a dedicated assessment.

comment 499

comment by: FOCA Switzerland

H/Section 2  
FCL.720.A

Proposal: (c)(4)(iv) **This provision did not exist in JAR-FCL**

response *Not accepted*

This text was already included in JAR FCL 1.250(b)(3).

comment 894

comment by: ERA

FCL.720.A Experience requirements and prerequisites for the issue of class or type ratings aeroplanes

The concern regarding the size of this draft document and the complexity this adds to any review is illustrated by FCL.720A. Tracing the exemption from the requirement to hold a certificate of completion of additional theoretical knowledge undertaken for class and type ratings for additional high performance aeroplanes to be included on a pilot licence is virtually impossible to find as there is no reference in FCL 720A to AMC 720A. ERA members are seeking not only a better referencing system but also a review by EASA of the way the drafting of these supposed intelligent documents can be presented and thus ease confusion.

response	<i>Noted</i> The Agency acknowledges your concern. However, reference to AMC cannot be made in the text of the rule. The Agency is working on a web-based tool to help stakeholders with the day-to-day use of the rules.
comment	991 <span style="float: right;">comment by: <i>CAA Belgium</i></span> (c)(4)(iv): as it is written flight experience on any SP/ME (i.e. PA34) can be taken into account. Question: Does such an experience equals an MCC training ? This is a serious deviation from JAR-FCL.
response	<i>Not accepted</i> This text was already included in JAR FCL 1.250(b)(3).
comment	1173 <span style="float: right;">comment by: <i>Thomas Reusch</i></span> Kann nur abgelehnt werden, da die Altrechte mit dieser Regelung beschnitten werden.
response	<i>Noted</i> Thank you for your feedback.
comment	2039 <span style="float: right;">comment by: <i>Lauri KARJALAINEN</i></span> (b)(2)(iii) hold,...or CPL(A)/IR <b>or passed succesfully skill test for CPL(A)</b> with...
response	<i>Not accepted</i> The Agency follows closely Subpart F of JAR-FCL 1 and has taken over the text from JAR-FCL 1.251(a)(3). At this time, the Agency has no intention to change this text, without a dedicated assessment.
comment	2915 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span> (c)(4)(iv): as it is written flight experience on any SP/ME (i.e. PA34) can be taken into account. Question: Does such an experience equals an MCC training? This is a serious deviation from JAR-FCL.
response	<i>Noted</i> This text was already included in JAR FCL 1.250(b)(3).
comment	3064 <span style="float: right;">comment by: <i>Peter SCHMAUTZER</i></span> The revalidation of single engine class ratings should be done by a flight review, which has to be done every two years by a flight instructor. The other prerequisite regulated in FCL.740.A (b) (1) is an unnecessary burden connected with costs for the examiners. This regulation is not covered by the basic regulation and is also not requested by the ICAO recommendations.

According to Annex III 1.e.2. is stated that there have to be regularly checks or tests in order to maintain qualification. This kind of prerequisite as regulated in FCL.740.A (b) is an unnecessary burden and causes costs for general aviation. The Federal Aviation Regulations, which are in compliance with the ICAO, require only a biannual flight review, performed by a FI (Flight Instructor). In order to save costs the regulation should be as it was in the JAR-FCL and according to the FAR's.

response *Noted*

The provisions in FCL.740.A (b)(1) are coming from JAR-FCL 1.251 and 1.255, and the Agency does not intend to change them at this time.  
If you are, however, referring to the provisions of FCL.940.A (b)(2), please note that taking into account the comments received the Agency has amended its initial proposal. For more details, please see the replies to comments on FCL.940.A, and the amended text.

comment

3459

comment by: *Susana Nogueira*

Paragraph (c)(4)(iv) This provisión is not in JAR-FCL. Delete.

response

*Not accepted*

This text was already included in JAR FCL 1.250(b)(3).

comment

3705

comment by: *DGAC FRANCE*

**FCL.720.A**

Justification:

Some new aircrafts (ie RA 390) are trained on FFS in multi crew environment. This should be possible through part 21 and OSC!

This new figure of training is not taken into account in regulation ! Part FCL should reflect this one in licence endorsement procedures.

In addition the fact that the MCC is not required to work in multi-crew on single pilot aeroplane, is nonsense, as far as there is no differences of way of working in that case between multi-pilot and single-pilot aeroplane

Modification :

- 1) Add a paragraph (d) as followed :

FCL.720.A

**(d) Single pilot operated in multi-crew environment. An applicant for a first single type rating operated in multi-crew environment, except when the type rating course is combined with multi-crew co-operation (MCC) course, shall hold a certificate of satisfactory completion of an MCC course in aeroplane. This rating shall be restricted to multi-pilot operations.**

response

*Partially accepted*

After carefully considering your comment, as well as other comments received related to the introduction of new aircraft, the Agency has added new provisions of FCL.720.A to require a pilot that intends to operate a single-pilot

aeroplane in multi-pilot operations to comply with the same prerequisites for MCC as those established for multi-pilot aeroplanes. Please see amended text.

comment **3840** comment by: *Luftfahrt-Bundesamt*

FCL.720.A:

The requirement stated in FCL.720.A (b)(1) does not sufficiently take into consideration the complexity of CS 23 single pilot multi engine turbine driven types (e.g. HPA). The requirements also should take into consideration that for training, testing and checking these types might be operated with two pilots or might even be required to be operated with two pilots (acc. to EU-OPS). Thus, the requirements for experience and flying training for turbine driven CS 23 types should be more in line with the requirements on pilots of CS 25 types. For this purpose EASA should take into consideration the complexity of aeroplanes as a basis for the requirements on the pilot's ability to operate an aeroplane. The number of engines and the number of pilots does not provide a very good basis for an assessment on how demanding it is to operate an aeroplane.

response *Partially accepted*

In any case, after carefully considering your comment, as well as other comments received related to the introduction of new aircraft, and their growing complexity, the Agency has added new provisions of FCL.720.A to differentiate between different levels of complexity for single-pilot aeroplanes, and also to take into consideration the fact that these aircraft may be operated in multi-pilot operations (see also the reply to comment 3705 above).

Please see the amended text, and the explanatory note to the CRD for more detailed explanations.

Furthermore, please note that this provision is intended to be complemented by the OSD process, which will assess the complexity of each individual aircraft type, and if necessary establish further elements for the type rating training.

comment **3996** comment by: *Airbus*

**Page 35 FCL.720A and Page 38 FCL.720H**

**Comment:** adjust the text so that the link with the Operational Suitability Certificate is clearer.

**Proposal:** FCL.720A & 720H to read:

*An applicant for a class or type rating shall comply with the experience requirements and prerequisites for the issue of the relevant rating defined in the Operational Suitability Certificate established in accordance with Part 21.*

response *Partially accepted*

Thank you for your proposal. The text has been reviewed to take into account the developments in rulemaking task 21.039.

comment **4034** comment by: *phil mathews*

Why ATPL theory for a HPA on a PPL. Surely JAA HPA exam syllabus is adequate.

response	<i>Noted</i> Please note that the requirements in FCL.720.A (b)(2) are alternative. Holding a PPL and having passed a specific HPA theoretical knowledge course is one of the possibilities offered, in accordance with FCL.720.A (b)(2)(i).
comment	4474 <span style="float: right;">comment by: <i>AOPA Switzerland</i></span> PIC flight experience hours are always welcomed. But again, we doubt if the additional requirement of 70 PIC hours to start a High Performance Aircraft training will rise safety. We believe that 200 hours of total flight experience is enough to start with the HPA training.
response	<i>Noted</i> The 70 hours as pilot-in-command were a requirement for single-pilot, multi-engine aeroplanes, in accordance with JAR-FCL 1.255. When developing the proposals in this NPA, it was considered that this requirement should apply also to HPA. Please note, however, that the 70 hours as pilot-in-command are not in addition to the 200 hours, but included in them.
comment	4740 <span style="float: right;">comment by: <i>CAA Belgium</i></span> FCL.720.A(c)(4)(iv) What kind of commercial air transport operations are meant? Is this limited to Part OPS-approved, or should also commercial air transport operations approved by third countries according to their national regulations be accepted? Based on what documentation?
response	<i>Noted</i> Text will be clarified to include a reference to Part-OPS.
comment	4974 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span> Comment: ECA requests to include a definition on the Single-Pilot High Performance Aeroplane.  Justification: Single-Pilot High Performance Aeroplane is not defined, so ECA cannot understand which aeroplanes are affected by this regulation. Same comment on references to Part 21.
response	<i>Noted</i> High performance aeroplanes are classified as a result of their operational evaluation. You can see which aeroplanes are affected if you consult the list of class/type ratings published by the Agency on its website. Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness. Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.
comment	4979 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span> Comment: add the following text after paragraph (c)(4)(iv):

(4) Except when the type rating course is combined with a multicrew cooperation (MCC) course:  
 (i) hold a certificate of satisfactory completion of an MCC course in aeroplanes; or  
 (ii) hold a certificate of satisfactory completion of MCC in helicopters and have more than 100 hours of flight experience as a pilot of multipilot helicopters; or  
 (iii) have at least 500 hours as a pilot of multipilot helicopters; or  
 (iv) have at least 500 hours as a pilot in multipilot operations on singlepilot multiengine aeroplanes, in commercial air transport operations, in compliance with Part OPS.

Justification: The requirement was to have flown these hours under our own regulation, not under third countries' one. There is no assurance that those hours have been flown under certain safety requirements. As there is no justification for this change, ECA recommends to keep the old JAR-FCL text.

response *Accepted*

Please see the reply to comment 4740 above.

comment 4982

comment by: *ECA- European Cockpit Association*

Comment: add the following paragraph (d):  
 (d) *Additional multi-pilot type ratings.* An applicant for the issue of additional multi-pilot type ratings shall hold a multi-engine instrument rating.  
 Justification: The requirements laid down in (c) are for the first type rating. JARs required a valid IR to make an additional type rating course. ECA cannot understand why this requirement is lost. The course for a type rating is, on ECA's opinion, enough sort not to have to spend time on the training requirement for renewal of the IR, which should be additional to the type rating course.

response *Accepted*

Text will be added as proposed.

comment 4984

comment by: *ECA- European Cockpit Association*

Comment: add paragraph (e) (actual JAR paragraph):  
 (e) An aeroplane class or type rating may be issued to an applicant who meets the requirements for that rating of a non-EU State, provided the revalidation requirements of this subpart are met. Such a rating will be restricted to aeroplanes registered in that non-EU State, or operated by an operator of that non-EU State. The restriction may be removed when the holder has completed at least 500 hours of flight as a pilot on the type/class and complied with the revalidation requirements.

Justification: In ECA's opinion, point 5 of the old JARFCL 1.240 should be kept. This allows a FCL pilot to work in non EU countries with his/her license. If the pilot goes to a third country in which an EU license is accepted, even though he/she does not accept theirs, the pilot takes the course for a rating but only has his/her FCL license to note the rating in, so there should be a way of permitting those cases.

In this case, if inserted, paragraph 1.245 e)4) of JAR should also be inserted in FCL.H.1.726 as paragraph f)

response

*Partially accepted*

After carefully considering your proposal, the Agency has included the provisions of JAR-FCL 1.240 (a)(5) in the cover regulation to Part-FCL. Please see the proposals for the cover regulation, as published with this CRD.

comment

5420

comment by: *CAA Belgium*

The requirement stated in FCL.720.A (b)(1) does not sufficiently take into consideration the complexity of CS 23 single pilot multi engine turbine driven types (e.g. HPA). The requirements also should take into consideration that for training, testing and checking these types might be operated with two pilots or might even be required to be operated with two pilots (acc. to EU-OPS). Thus, the requirements for experience and flying training for turbine driven CS 23 types should be more in line with the requirements on pilots of CS 25 types. For this purpose EASA should take into consideration the complexity of aeroplanes as a basis for the requirements on the pilot's ability to operate an aeroplane. The number of engines and the number of pilots does not provide a very good basis for an assessment on how demanding it is to operate an aeroplane.

response

*Partially accepted*

Please see the reply to comment 3840 above.

comment

5493

comment by: *UK CAA***Paragraph:** FCL. 710/725/**720A**/720H**Page No\*:** 34/35/38of 647**Comment:** Part-21 mentioned in these paragraphs with no statement of the full reference.**Justification:** Clarification

response

*Noted*

Thank you for your feedback.

A definition of Part-21 will be included in the cover regulation. Please see the proposals for the cover regulation, as published with this CRD.

comment

5609

comment by: *UK CAA***Paragraph:**

FCL.720.A – Experience requirements and pre-requisites for the issue of class or type ratings-aeroplanes

**Page No\*:** 35 of 647**Comment:** Paragraph (b) (2) (ii) and (c) (3) should be more specific and should refer to the ATPL(A) theoretical knowledge examinations in accordance with Part FCL

Paragraph (b) (2) (iii) gives recognition for an ICAO Annex 1 licence; however Article 12 of Regulation (EC) 216/2008 states that there must be a recognition agreement between the Community and that third country.

**Justification:** Clarification

response

*Partially accepted*

Text of (b) (2) (ii) and (c) (3) will be amended to refer to Part FCL.

As for your comment on (b) (2) (iii), the text doesn't really recognise the licence, since the paragraph says that you still need to hold a Part-FCL licence; what the paragraph does is give a sort of 'credit' to holders of ICAO licences, in relation to a theoretical knowledge prerequisite for a Part-FCL licence. In the Agency's view, this does not contradict the provision of article 12 of the Basic Regulation.

comment 5692 comment by: *FNAM (Fédération Nationale de l'Aviation Marchande)*

The assessment of FCL.720.A seems to be very difficult due:

1. To its length
2. To the absence of cross-reference table with current and applicant JAR-FCL 1
3. To the complete change of philosophy for some articles

We claim, notwithstanding the creation of a cross-reference table, a specific regulatory impact assessment for this article, stating precisely what may change or not.

Meanwhile, we would be obliged to express our strongest reserves to this article.

response *Noted*

The Agency acknowledges your reserves, but this article follows very closely JAR-FCL 1.250, 1.251, 1.255 and 1.260. This was indicated in the cross-reference tables JAR-FCL/Part-FCL that were published with the Explanatory Note to this NPA.

comment 5952 comment by: *Icelandic CAA*

Ref. para. (c)(4)(iv). It should not be possible to replace the requirements for MCC by experience of 500 hours as a pilot in multi-pilot operations on single-pilot multi-engine aeroplanes. This experience should be gained at least on a HPA type or with reference to JAR/FAR 23 commuter category. (Ref. JAR-FCL 1.250 (b)(3))

response *Noted*

The Agency acknowledges your opinion, but this text was already included in JAR FCL 1.250(b)(3), and the Agency sees no reason to change it at this time.

comment 6427 comment by: *CAA Finland*

FCL.720.A(b)(2)(ii):

Although FCL.025 gives the requirements that theoretical knowledge training shall be done before the examination, it is possible to understand that this gives an exemption to do direct examination. Amended text proposal:

(ii) have passed the ATPL(A) theoretical knowledge **instruction and** examinations; or

response *Partially accepted*

Text will be amended to refer to the ATPL(A) theoretical examination passed in accordance with Part FCL.

This should fully cover the concerns expressed in your comment.

comment	6428	comment by: CAA Finland
response	<p>FCL.720.A(c)(3): Although FCL.025 gives the requirements that theoretical knowledge training shall be done before the examination, it is possible to understand that this gives an exemption to do direct examination. Amended text proposal: (ii) have passed the ATPL(A) theoretical knowledge <b>instruction and</b> examinations; or</p> <p><i>Partially accepted</i></p> <p>Text will be amended to refer to the ATPL(A) theoretical examination passed in accordance with Part FCL. This should fully cover the concerns expressed in your comment.</p>	
comment	6547	comment by: IAOPA Europe
response	<p>For the Single Pilot High Performance Rating, wide parts of the ATPL theoretical knowledge are required, see "Syllabus to the ATPL(A) level". This requirement goes too far and is too high a burden.</p> <p>Instead knowledge tests should be included in the individual type ratings. This would respect that there are differences between the knowledge required for piloting a Piper Malibu and a Falcon 900. A type rating is the best opportunity to teach and to test the required specific knowledge for the individual aircraft.</p> <p><i>Noted</i></p> <p>The Agency shares your opinion that the type rating course should be tailored to the relevant type. This is why the Agency has included a reference to the operational suitability data established in accordance with Part-21 which will determine specific elements for the type rating course that are determined based on an assessment of each individual type. However, the Agency considers that in the case of HPA in general additional theoretical knowledge is required. One of the ways to fulfil this additional knowledge, is through the proposed syllabus for HPA, which follows the provisions of JAR-FCL, and was established on the basis of a dedicated assessment. The Agency does not intend to change it at this time, without a dedicated assessment.</p>	
comment	6907	comment by: CAA CZ
response	<p>FCL.720.A (b)(2)(ii) For clarity, the requirement for exams should be completed by requirement for a course to ensure that applicants for entering the HPA type will avoid the requirement for ATPL course: "have passed the ATPL (A) theoretical <b>course and theoretical</b> knowledge examinations; or".</p> <p><i>Partially accepted</i></p> <p>Text will be amended to refer to the ATPL(A) theoretical examination passed in accordance with Part FCL. This should fully cover the concerns expressed in your comment.</p>	
comment	<p>7040</p> <p>FCL.720.A(c)(4)(iv)</p> <p>comment by: CAA Norway</p>	

What kind of commercial air transport operations are meant? Is this limited to Part OPS-approved, or should also commercial air transport operations approved by third countries according to their national regulations be accepted? Based on what documentation?

response *Noted*

Please see the reply to coment 4740 above.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 2: Specific Requirements for the aeroplane category — FCL.725.A Theoretical knowledge and flight instruction for the issue of class and type ratings — aeroplanes**

p. 36

comment 508

comment by: *Swiss glacier pilots association*

The sea plane rating shall be treated as an additional rating. To list it under FCL725.a does not fit the general systematic.

response *Not accepted*

Sea plane ratings are aeroplane class or type ratings. They fit in FCL.725.A. This is also in compliance with paragraph 2.1.3.1 of Annex 1 to the Convention on International Civil Aviation (ICAO).

comment 542

comment by: *Peter SCHMIDLEITNER*

There should be the possibility to combine the MEP training and the training for the MEP/IR for pilots who hold a SEP/IR rating already.  
At the present MEP/VFR rating has to be obtained first and the licence being endorsed accordingly before the 5 hours IR training may commence.

A possible solution is shown below:

**SUBPART H**

**CLASS AND TYPE RATINGS**

**SECTION 2**

**Specific Requirements for the aeroplane category**

**FCL.725.A Theoretical knowledge and flight instruction for the issue of class and type ratings — aeroplanes**

(a) *Singlepilot multiengine aeroplanes.*

(1) The theoretical knowledge course for a singlepilot multiengine class rating shall include at least 7 hours of instruction in multiengine aeroplane operations.

(2) The flight training course for a singlepilot multiengine class or type rating shall include at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multi engine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques.

**NEW:**

(3) For a holder of a single engine IR(A) wishing to obtain both a singlepilot multiengine class or type rating and a multiengine IR(A) the combined flight training course for the singlepilot multiengine class or type rating and the multiengine IR(A) shall include at least 10 hours instruction including

- at least 6 hours of dual flight instruction under normal conditions of multi engine aeroplane operations, and
- not less than 4 hours of dual flight instruction in engine failure procedures and asymmetric flight techniques,

whereby at least 5 hours thereof shall be instruction in instrument flying in multiengine aeroplanes, of which 3 hours may be in a flight simulator or FNPT II.

## APPENDIX 6

### MODULAR TRAINING COURSES FOR THE INSTRUMENT RATING

#### A. IR(A) - Modular flying training course

9 The holder of a single engine IR(A) who also holds a multiengine type or class rating wishing to obtain a multiengine IR(A) for the first time and who has not obtained multi engine IR(A) together with the singlepilot multiengine class or type rating shall complete a course at an approved training organisation comprising at least 5 hours instruction in instrument flying in multiengine aeroplanes, of which 3 hours may be in a flight simulator or FNPT II.

response *Noted*

The Agency follows in this paragraph FCL.725.A closely paragraph JAR-FCL 1.261.

The possibility to combine the MEP training and the training for the MEP/IR for pilots who hold a SEP/IR rating already has never been regulated at JAR-FCL level. Before more detailed provisions are included in Part-FCL, the issue needs to be carefully assessed, and should be subject to further work, in a separate rulemaking task.

We suggest that you submit a rulemaking proposal on this issue to the Agency.

comment

1069

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

#### **Comment:**

The requirement for the theoretical training is missing. That is an ICAO requirement. The details for theoretical and practical training can be provided in an AMC. See enclosed proposal for an AMC.

#### **Proposal:**

b) *Single-pilot aeroplanes - sea ratings.* An applicant for a single-pilot aeroplane - sea rating shall have received a theoretical instruction course and a flight training course. The flight training course for a class or type-rating sea for single-pilot aeroplanes sea shall include at least 8 hours of dual flight instruction if the applicant holds the land version of the relevant class or type rating, or 10 hours if the applicant does not hold such a rating.

New

AMC to 752 A:

### **Theoretical knowledge and flight instruction for the issue of class rating sea**

**1** The theoretical knowledge instruction should be conducted by an instructor having appropriate experience of class rating sea.

**2** Depending on the equipment and systems installed, the instruction should include, but not be limited to, the following content:

**3** Theoretical Knowledge

**(a)** The aim of the training is to teach:

- the student the importance of preparation for flight and the safe planning taking into consideration all the factors for manoeuvring the aircraft with respect to the wind, tidal currents, high and low water times and water movements at sea, river estuaries and lakes In addition icing conditions, ice covered water and broken ice flows,
- the techniques concerning the most critical moments at take-off, landing, taxiing and mooring the aircraft,
- the construction methods and characteristics of floats and water rudders and the importance of checking for leaks in the floats,
- the necessary requirements for the compliance of the rules for the avoidance of collisions at sea, in regard to sea charts, buoys and lights and horns

**(b)** After completing the training, the student should be able to describe:

- the factors that have significance for planning and decision regarding initiation of seaplane flying and alternative measures for completion of flight,
- how the water level is affected by air pressure, wind, tide, regularisations and the flight safety depending on changes in the water level,
- the origin of different ice conditions in water areas,
- interpret nautical charts and maps regarding depths and shoals and risk for water currents, shifts of the wind, turbulence,
- decide what required equipment to bring during seaplane flying according to the operational requirements,
- the origin and extension of water waves, swells and water currents and their effect on the aeroplane,
- how water and air forces effect the aeroplane on water,
- the effect of water resistance on the aeroplanes' performance on glassy water and during different wave conditions,
- the consequences of taxiing with too high engine revolutions per minute (RPM)
- the effect of pressure and temperature on performance at take-off and climb from lakes located at higher altitude,
- the effect of wind, turbulence, and other meteorological conditions of special importance for flight by lakes, islands in mountain areas and other broken ground,
- the function of the water rudder and its handling, including the effect of lowered water rudder at take-off and landing,
- the parts of the float installation and their function,
- the effect of the floats on the aeroplanes' aerodynamics and performance in water and in air,
- the consequences of water in the floats and fouling of float bottoms,
- aviation requirements that apply specifically for the conduct of aircraft activity on water,
- requirements regarding animal, nature and environment protection of significance for flight by seaplane, including flight in national parks,
- the meaning of navigation buoys,
- the organisation and working methods of the Sea Rescue Service,
- the requirements in ICAO Annex 2 as set out in 3.2.6, Water operation, including relevant parts of the Convention on the International Regulations for

Preventing Collisions at Sea.

**(4)** Practical training

**(a)** The aim of the practical training is to learn:

- the skills in manoeuvring aeroplanes on water and in mooring the aeroplane,
- the skills required for the reconnaissance of landing and mooring areas from the air, including the take-off area,
- the skills for assessing the effects of different water depths, shoals, wind, height of waves and swell,
- the skills for flying with floats with regard to their effect on performance and flight characteristics,
- the skills for flying in broken ground during different wind and turbulence conditions.

Provide skills in take-off and landing on glassy water, different degrees of swell and water current conditions.

**(b)** After the training, the student should be able to:

- handle the equipment that shall be brought during seaplane flying,
- pre-flight daily inspection on aeroplane, float installation and special seaplane equipment, including emptying of floats,
- sail, taxi and turn the aeroplane at swell with correct handling of the water rudder,
- taxi on the step and perform turns,
- establish the wind direction with the aeroplane,
- take necessary actions in the event of loss of steering ability and person falling overboard,
- make land and moor aeroplane at bridge, buoy and beach with the use of appropriate knots to secure the aircraft,
- maintain given rate of descent by means of variometer only,
- perform take-off and landing on glassy water with and without outer references,
- perform take-off and landing under swell,
- perform power-off landing,
- from the air, reconnaissance of landing, mooring and take-off areas, observing:
  - wind direction and strength during landing and take-off,
  - surrounding terrain,
  - overhead wires and other obstacles above and under water,
  - congested areas.

- determine wind direction and assess wind strength from water level and when airborne,
- state, for the aeroplane type in question;
  - maximum wave height allowed,
  - maximum number of ERPM allowed during taxiing.
- describe how flying with floats affects the performance and flight characteristics of the aeroplane,
- take corrective action at critical moments due to windshear and turbulence,
- navigate on the water with reference to buoys markers, obstacles and other traffic on the water.

**(c)** For the initial issue of class rating sea for single-pilot, single-engine and multi-engine aeroplanes, the number of multi-choice questions in the written or computer based examination should at least comprise thirty questions, and may be conducted by the training organisation. The pass mark should be 75%.

response

*Accepted*

Thank you for you comment.

The text will be amended accordingly and the AMC will be added to this

paragraph.

comment **1652** comment by: *Aero-Club of Switzerland*

The seaplane rating shall be treated as an additional rating.  
Justification: To list it under FCL.725A does not fit.

response *Not accepted*

Please see the reply to comment 508 above.

comment **2013** comment by: *Swiss Pilot School Association*

Proposal:

(2) The flight training course for a single pilot multi-engine class or type rating shall include at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multiengine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques **of which 1 hour may be in an FNPT II which is approved for this training.**

Advantage:

Critical manoeuvres like engine failure during and shortly after take off, engine shut down and restart can be trained in a safe environment.

Engine Failure drills can be trained more efficient in an FNPT II than in the aircraft.

environmental factor (noise, exhaust gas pollution)

Increased safety

response *Not accepted*

The Agency follows in this paragraph FCL.725.A closely paragraph JAR-FCL 1.261.

The requirements in paragraph FCL.725.A(a)(2) is the same as in paragraph JAR-FCL 1.261(b)(2). There is also not the possibility to perform this test in a flight simulator.

comment **2709** comment by: *Flugschule Isartal*

Sehr geehrte Damen und Herren,  
als einer der nicht nur in Deutschland am intensivsten Wasserflugausbildung betreibt erlaube ich mir nachstehende Stellungnahme zum Thema Wasserflug da einiges meiner Meinung nach mit der NPA 17 und 35 nicht schlüssig geregelt wird.

1. Die Ausbildung(FCL 725A.b) zum Erwerb des SEARATING sieht 8 Ausbildungsstunden vor.

Kommentar:

Bitte um Ergänzung mit Angabe von Mindest Start- und Landungen. Vorschlag: min 25 Starts bei unterschiedlichen Wellenlagen (Windlagen / Wetterlagen).

Hier möchte ich auf den Teil der Mountain Lizenz verweisen. Dort wird ausdrücklich auf „unterschiedliche“ Situationen hingewiesen.

Das Einbringen solcher Ausbildungsrichtlinien macht Sinn und trägt nachhaltig zur Reduktion von Unfällen bei.

2. Qualifikation des SEA-FI

Kommentar:

Die fliegerische Qualifikation an einen Fluglehrer für die SEA-Ausbildung wird zum Großteil in der NPA 35 geregelt. Hier fehlt mir jedoch zumindest ein Verweis dass ein FI seemännische Fähigkeiten haben soll. Diese soll er letztendlich auch u. a. vermitteln. Vorschlag. Der FI SEA muss einen Bootführerschein o.ä. nachweisen.

Auch möchte ich die Frage aufwerfen warum gibt es einen MFI (MountenFI) jedoch keinen SEA-FI?

3. Grundsätzliches:

An verschiedenen Stellen im Skript wird mehrfach auf kanadische Dokumente verwiesen.

In Kanada gibt es EIN Searating (Gültig von der kleinen PA18 bis hin zur TWIN Otter). Es wird kein Unterschied zwischen SEP/MEP/SET gelebt. Ergo ist dieses Verweisen nicht ganz schlüssig! Gleichwohl im Rahmen der neuen Regelung nun auch in Europa der Unterschied zwischen Motor und Turbine weggefallen ist. SETsea wird nicht mehr separat als Class aufgeführt. Ist dies so gewollt?

Über ein Feedback würde ich mich sehr freuen und stehe selbstverständlich für Rückfragen zur Verfügung.

mit freundlichem Fliegergruß

Werner Baeuml  
Flugschule Isartal

response

*Noted*

Please see the reply to comment 1069 above.

The Agency's proposal is based on a draft JAA FCL NPA, where this issue was assessed. The Agency does not intend to change it without a dedicated assessment.

comment

**3554**

comment by: *Swiss Power Flight Union*

The seaplane rating shall be treated as an additional rating.  
Justification: To list it under FCL.725A does not fit the general systematic.

response

*Not accepted*

Please see the reply to comment 508 above.

comment

**3574**

comment by: *Swiss Power Flight Union*

Proposal:

(2) The flight training course for a single pilot multi-engine class or type rating shall include at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multiengine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques **of which 1 hour may be in an FNPT II which is approved for this training.**

Advantage:

Critical manoeuvres like engine failure during and shortly after take off, engine shut down and restart can be trained in a safe environment.

Engine Failure drills can be trained more efficient in an FNPT II than in the aircraft.

	environmental factor (noise, exhaust gas pollution)
	Increased safety
response	<i>Not accepted</i> Please see the reply to comment 2013 above.
comment	<b>3580</b> <span style="float: right;">comment by: <i>Swiss Power Flight Union</i></span> The sea plane rating shall be treated as an additional rating. To list it under FCL725.A does not fit the general systematic
response	<i>Not accepted</i> Please see the reply to comment 508 above.
comment	<b>3841</b> <span style="float: right;">comment by: <i>Luftfahrt-Bundesamt</i></span> FCL.725.A: The requirement stated in FCL.725.A (a)(2) does not sufficiently take into consideration the complexity of CS 23 single pilot multi engine turbine driven types (e.g. HPA). The requirements also should take into consideration that for training, testing and checking these types might be operated with two pilots or might even be required to be operated with two pilots (acc. to EU-OPS). Thus, the requirements for experience and flying training for turbine driven CS 23 types should be more in line with the requirements on pilots of CS 25 types. For this purpose EASA should take into consideration the complexity of aeroplanes as a basis for the requirements on the pilot's ability to operate an aeroplane. The number of engines and the number of pilots does not provide a very good basis for an assessment on how demanding it is to operate an aeroplane.
response	<i>Noted</i> Please see the reply to comment 2013 above.  At this time the Agency does not intend to change these requirements. In any case, due attention to the complexity of the aircraft and/or of the operations performed will be taken into account by the OSD.
comment	<b>5368</b> <span style="float: right;">comment by: <i>CAA Belgium</i></span> <b>Comment:</b> The requirement for the theoretical training is missing. That is an ICAO requirement. The details for theoretical and practical training can be provided in an AMC. See enclosed proposal for an AMC.
response	<i>Accepted</i> Please see the reply to comment 1069 above.
comment	<b>5421</b> <span style="float: right;">comment by: <i>CAA Belgium</i></span> The requirement stated in FCL.725.A (a)(2) does not sufficiently take into consideration the complexity of CS 23 single pilot multi engine turbine driven

types (e.g. HPA). The requirements also should take into consideration that for training, testing and checking these types might be operated with two pilots or might even be required to be operated with two pilots (acc. to EU-OPS). Thus, the requirements for experience and flying training for turbine driven CS 23 types should be more in line with the requirements on pilots of CS 25 types. For this purpose EASA should take into consideration the complexity of aeroplanes as a basis for the requirements on the pilot's ability to operate an aeroplane. The number of engines and the number of pilots does not provide a very good basis for an assessment on how demanding it is to operate an aeroplane.

response *Noted*

Please see the reply to comment 3841 above.

comment

5693

comment by: *UK CAA*

**Paragraph:** FCL.725.A – Theoretical knowledge and flight instruction for the issue of class/type ratings-aeroplanes

**Page No\*:** 36 of 647

**Comment:** Paragraph (b) states that where the land version of the relevant type/class is not held then 10 hours dual instruction required. There is a need to be more specific when this is multi-engine and make reference to the 3.30 hours engine failure and asymmetric flight techniques

**Justification:** Clarification

response *Noted*

Please see the reply to comment 1069 above.

comment

6045

comment by: *Finnish Aviation Academy*

**FCL.725.A Theoretical knowledge and flight instruction for the issue of class and type ratings - aeroplanes**

(a) Single-pilot multi-engine aeroplanes.

(2) The flight training course for a **first** single-pilot multi-engine class rating shall include **in aeroplane, in FSS, in FTD 2/3 or in FNPT II** at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multiengine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques.

*For that kind of training FSTDs are effective and safe. (see AMC FCL 1.261(c)(2) 10.1)*

response *Not accepted*

Please see the reply to comment 2013 above, concerning the use of a simulator.

Concerning your proposal to add 'first': The requirements in paragraph FCL.725.A(a)(2) are the same as in paragraph JAR-FCL 1.261(b)(2). In that paragraph there is no mentioning of 'the first' single-pilot multi-engine class. So it means that every single-pilot multi-engine class shall include at least 2 hours and 30 minutes of dual flight instruction.

comment	<p>6295 <span style="float: right;">comment by: <i>Axel Schwarz</i></span></p> <p>(b): The important part of training for a seaplane rating is not the amount of flying hours but rather the landing technique on water. Instead of training 8 hours on an aeroplane already known by the applicant, FCL.725.A should specify a minimum number of landings on water.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 2079 above.</p>
comment	<p>6432 <span style="float: right;">comment by: <i>CAA Finland</i></span></p> <p>FCL.725.A(a)(1): It is unclear whether the theoretical training should be basics about asymmetric flight or type specific. Amended text proposal:</p> <p>The theoretical knowledge course for a single-pilot multi-engine class rating shall include at least 7 hours of instruction in multi-engine aeroplane operation <b>and type specific instruction based on flight manual.</b></p>
response	<p><i>Not accepted</i></p> <p>The Agency follows in this paragraph FCL.725.A closely paragraph JAR-FCL 1.261. The requirements in paragraph FCL.725.A(a)(1) are the same as in paragraph JAR-FCL 1.261(a)(2).</p>
comment	<p>6436 <span style="float: right;">comment by: <i>CAA Finland</i></span></p> <p>FCL.725.A(a)(2): The specific number of hours in flight instruction during add-on ratings should be left under consideration of training organisation. Amended text proposal:</p> <p>(2) The flight training course for <b>the first</b> single-pilot multi-engine class or type rating shall include at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multi-engine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques.</p>
response	<p><i>Not accepted</i></p> <p>Please see the second part of the reply to comment 6045 above.</p>
comment	<p>7243 <span style="float: right;">comment by: <i>Aero-Club of Switzerland</i></span></p> <p>Proposal:</p> <p>(2) The flight training course for a single pilot multi-engine class or type rating shall include at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multiengine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques <b>of which 1 hour may be in an FNPT II which is approved for this training.</b></p>

	<p>Advantages:</p> <ol style="list-style-type: none"> <li>1) Critical manoeuvres like engine failure during and shortly after take off, engine shut down and restart can be trained in a safe environment.</li> <li>2) Engine Failure drills can be trained more efficient in an FNPT II than in the aircraft.</li> <li>3) Environmental protection element (noise, exhaust gas pollution)</li> <li>4) Increased safety</li> </ol>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 2013 above.</p>

comment	<p>7369 <span style="float: right;">comment by: <i>Finnish Aviation Academy</i></span></p> <p><b>FCL.725.A Theoretical knowledge and flight instruction for the issue of class and type ratings - aeroplanes</b></p> <p>(a) Single-pilot multi-engine aeroplanes.</p> <p style="padding-left: 40px;">(2) The flight training course for a <b>first</b> single-pilot multi-engine class rating shall include <b>in aeroplane, in FSS, in FTD 2/3 or in FNPT II</b> at least 2 hours and 30 minutes of dual flight instruction under normal conditions of multiengine aeroplane operations, and not less than 3 hours 30 minutes of dual flight instruction in engine failure procedures and asymmetric flight techniques.</p> <p><i>For that kind of training FSTDs are effective and safe. (see AMC FCL 1.261(c)(2) 10.1)</i></p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 6045 above.</p>

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 2: Specific Requirements for the aeroplane category — FCL.730.A Specific requirements for pilots undertaking a zero flight time type rating (ZFTT) course — aeroplanes**

p. 36

comment	<p>992 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>Why this difference between turbo-jets who have to be "<b>certified in accordance with...</b>" and the turbo-props for which there is no reference for certification ?</p> <p>Question: turbo-props should be certificated in accordance to what ?</p>
response	<p><i>Noted</i></p> <p>The requirement is addressed specifically to turbo-jet aeroplanes certificated in accordance with CS 25, which is not the case for turbo-prop aeroplane.</p>

comment	2846	comment by: PPL/IR Europe
	<p>FCL.730.A does not address the fact that there are smaller single-pilot aircraft that require Type Ratings and for which there are FFS certified to the highest standards used in training for larger transport aircraft.</p> <p>There should be a mechanism by which pilots whose background is in Single Pilot operations can qualify for a ZFTT course for Single Pilot aircraft (eg. the same hours requirements but on single-pilot airplanes requiring type ratings)</p>	
response	<i>Not accepted</i>	
	ZFTT rating courses are not foreseen for smaller aircraft. You may wish to make a proposal for a rule amendment to this aim.	
comment	4985	comment by: ECA- European Cockpit Association
	<p>Comment: Lack of consistency. References should be changed to be in line with above cross-references: here, the cross-reference is to 1702/2003, which is equivalent to Part 21, as referenced above. Besides, 1702/2003 does not relate to Part 25.</p>	
response	<i>Not accepted</i>	
	The reference is actually to a specific article of Regulation (EC) No 1702/2003. This regulation gives legal grounds for Parts and CSs on the same issue.	
comment	5487	comment by: ECA- European Cockpit Association
	<p>Comment: add the following paragraph (c) to FCL.730.A (see also ECA comment 5481):</p> <p>(c) when a pilot is changing from a turboprop to a turbojet aeroplane or from a turbojet to a turboprop aeroplane, additional simulator training <del>should</del><u>shall</u> be required.</p> <p>Justification: This paragraph is in the AMC to FCL.730.A but ECA recommends to put in IR, as this requirement is a must and should not be left to the discretion of anyone.</p>	
response	<i>Accepted</i>	
	Concerned text will be put in the implementing rule.	

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 2: Specific Requirements for the aeroplane category — FCL.735.A Multi-crew p. 36-37 cooperation training course — aeroplanes**

comment	993	comment by: CAA Belgium
	<p>(a) why is there a difference between the MCC training course for (A): 25 hrs/20 hrs  (H): 25 hrs/15 hrs (FCL 735.H)  (As) 15 hrs/10 hrs (FCL 735.As)</p>	
response	<i>Noted</i>	

The difference between aeroplanes and helicopters is coming from JAR-FCL. As for airships, this is a new proposal, and the hours included were those considered adequate by the FCL.001 experts.

comment 1071 comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

The text should be clearer. By using the word "FSTD" and having the last sentence, "A FNPT II or a FFS shall be used", the text gives the impression that an FNPT II can be used for a type-rating course.

Only an FTD and/or an FFS can be used for a typer-rating course.

An FNPT II MCC and an FFS can be used for a MCC-course but only an FFS give the credit to 10 hours if the same FFS is used for the type-rating course.

**Proposal:**

An FNPT II MCC or an FFS shall be used.

When the MCC training is combined with the initial type rating training for a multi-pilot aeroplane, the practical MCC training may be reduced to no less than 10 hours if the same FFS is used for both the MCC and type rating training.

response *Accepted*

Text has been amended accordingly.

comment 3706 comment by: *DGAC FRANCE*

1) FCL.735.A

Justification :

Some new aircrafts (ie RA 390) are trained on FFS in multi crew environment. This should be possible through part 21 and OSC!

This new figure of training is not taken into account in regulation ! Part FCL should reflect this one in licence endorsement procedures.

In addition the fact that the MCC is not required to work in multi-crew on single pilot aeroplane, is nonsense, as far as there is no differences of way of working in that case between multi-pilot and single-pilot aeroplane

Modification :

1) **Amend FCL.735.A (a) and (c) to read as follow :**

(a) When the MCC training is combined with the initial type rating training for a ~~multi-pilot aeroplane~~, .....

(c) Unless the MCC course has been combined with a ~~multi-pilot~~ type rating course, on .....

response *Accepted*

Text will be amended accordingly.

comment 4986 comment by: *ECA- European Cockpit Association*

Comment: change paragraphs (a) and (b) as follows:

(a) The multicrew cooperation (MCC) training course shall comprise at least:  
 (1) 25 hours of theoretical knowledge instruction and exercises; and  
 (2) 20 hours of practical MCC training, or 15 hours in the case of students attending an ATP integrated course.

When the MCC training is combined with the initial type rating training for a multi-pilot aeroplane, the practical MCC training may be reduced to no less than 10 hours if the same FSTD is used for both the MCC and type rating training. ~~A FNPT II or a FFS shall be used.~~

(b) The MCC training course shall be completed within six months at an approved training organisation. A FNPT II or a FFS shall be used.

Justification: The Course of a type rating is given in a FS, so if the MCC course is given combined with a type rating, the same device used for the type rating must be used for this combination, not the other way around, downgrading the requirement for the type rating device.

response *Noted*

Please see the reply to comment 1071 above.

comment 5369

comment by: *CAA Belgium*

**Comment:**

The text should be clearer. By using the word "FSTD" and having the last sentence, "A FNPT II or a FFS shall be used", the text gives the impression that an FNPT II can be used for a type-rating course.

Only an FTD and/or an FFS can be used for a typer-rating course.

An FNPT II MCC and an FFS can be used for a MCC-course but only an FFS give the credit to 10 hours if the same FFS is used for the type-rating course.

**Proposal:** An FNPT II MCC or an FFS shall be used.

When the MCC training is combined with the initial type rating training for a multi-pilot aeroplane, the practical MCC training may be reduced to no less than 10 hours if the same FFS is used for both the MCC and type rating training.

response *Noted*

Please see the reply to comment 1071 above.

comment 5696

comment by: *UK CAA*

**Paragraph:** FCL.735.A (a) note below (2)

**Page No:** 36 of 647

**Comment:** The last sentence restricts the training to an FNPT II or a FFS. There is no reason why an FTD shouldn't be used if it is suitably qualified.

**Justification:** A FTD is a higher level device than an FNPT and therefore should be capable of being used for this training.

**Proposed Text: (if applicable)** "A FSTD qualified for MCC training shall be used".

response *Noted*

Please see the reply to comment 1071 above.

comment 5701 comment by: UK CAA

**Paragraph:** FCL.735.A – Multi Crew Co-operation training course - aeroplanes  
**Page No\*:** 36 of 647

**Comment:** Reference should also be given to paragraph FCL.720.A(c)(4) in regard to claiming an exemption from MCC(A).

The requirements to claim exemption from the MCC(A) course differ from claiming exemption from the MCC(H) course.

For the MCC(A) course an applicant with helicopter experience can claim exemption if:

1. They complete an MCC(H) course plus have 100 hours on MPH; or
2. They have 500 hours on MPH

There is no such credit available for aeroplane experience towards the MCC(H). Appendix 1 to JAR-FCL 2.261(d) gives credit towards the theoretical knowledge for applicants with 500 hours multi-pilot aeroplane experience but this does not appear in this paragraph or AMC.

It is not clear why a helicopter pilot with 500 hours MPH experience is exempt from MCC(A) but an aeroplane pilot with 500 hours MPA experience cannot claim exemption from the MCC(H) course.

**Justification:** Clarification to an anomaly arising from existing JAR-FCL requirements.

response *Noted*

This difference existed already in JAR-FCL. The Agency does not intend to change it at this point, without a dedicated assessment.

comment 7528 comment by: *FlightSafety International*

There is no provision for restricting a type rating to multi-pilot operations or copilot only. With the low entry requirements and the lower level of experienced pilots available, there is no opportunity to provide them with a rating that they can use safely while gaining experience. The ability to restrict a type rating to copilot will give these pilots a chance where they cannot meet the CRM and command abilities of high performance aircraft. This would be an alternate to the MPA

Add FCL.730.A Restrictions to Type Ratings. Restrictions to both multi-pilot and single pilot type ratings can be issued for copilot only or multi-pilot operations if there is no satisfactory completion of a skill test with adequate CRM and command ability. This restriction can only be lifted with the successful completion of another skill test.

response *Noted*

Please see amended text on Appendix 9.

<b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 2: Specific Requirements for the aeroplane category — FCL.740.A Revalidation of class and type ratings — aeroplanes</b>	p. 37
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------

comment 114

comment by: *Nick Wilcock*

FCL.740.A (b) (1) (ii) should be amended to permit the flight experience to be spread throughout the 24 month period, subject to a minimum of 6 hours being achieved in the final 12 months and for an accumulated 1 hour of flying training rather than mandating a single flight. Hence it should read:

(ii) within the 24 months preceding the expiry date of the rating, complete 12 hours of flight time in the relevant class, including: 6 hours as pilot-in-command; 12 takeoffs and 12 landings; and at least 1 hour of flight training with a FI or CRI. Of the 12 hours of flight time, at least 6 shall be completed in the 12 months preceding the expiry date of the rating. Applicants shall be exempted from the flight training requirement if they have passed a proficiency check or skill test in any other class or type of aeroplane.

response *Not accepted*

The text proposed in the NPA is a direct transposition of the text of JAR-FCL 1.245(c)(1). The Agency does not intend to change it at this time, without a thorough assessment.

comment **115**

comment by: *Nick Wilcock*

FCL.740.A (b) (2) should be amended so that it is only applicable to those pilots who have chosen to be exempt from the flight training requirement under FCL.740.A (b) (1) (ii). Hence it should read:

(2) When an applicant has not completed the flight training requirement of (1) (ii), for at least every third revalidation, the applicant shall comply with the requirements in (1)(i).

response *Partially accepted*

The issue of the proficiency check was discussed during the review phase based on the significant amount of comments dealing with this issue and criticising the proposal for a mandatory proficiency check. The proposal was based on Annex III of the Basic Regulation where a mandatory assessment, check, test or examination is required.

Following the inputs received, the Agency further studied the possibilities given by the Basic Regulation and decided to delete the mandatory proficiency check requirement in (b)(2).

comment **168**

comment by: *Pete Morris*

The requirement that a re-test must be carried out within a 3 month window of a 6 year period is needlessly restrictive. Ill health, poor weather or aircraft availability may all contribute to this period being far too short.

response *Not accepted*

This requirement is coming from JAR-FCL. It was introduced to guarantee that the proficiency check would be done sufficiently close to the expiry date of the rating to ensure that it was indeed representative of the proficiency of the pilot. The Agency does not intend to change this requirement at this time, without a thorough assessment.

comment **169**

comment by: *David PHILLIPS*

I am unsure as to why the proposal feels that a GFT should be completed on

	every 3 revalidation (ie every 6 years). What evidence is there that this proposal will increase safety?
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>170 <span style="float: right;">comment by: <i>Mike Goodman</i></span></p> <p>I strongly oppose the proposed 6 yearly test, which I believe to be completely unnecessary, particularly in the light of existing instructor flight requirements, and which will be another unnecessary expense and burdensome over regulation of the industry, the like of which which is already strangling the life blood out of general aviation, deterring new entrants, and encouraging existing participants to give up flying altogether</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>171 <span style="float: right;">comment by: <i>Owen McAree</i></span></p> <p>The requirement to revalidate a single engine piston rating by proficiency check atleast every 6 years is just a further restriction placed on private pilots without any evidence to suggest safety will be improved.</p> <p>The current requirement to fly a minimum of one hour with an instructor in the final 12 months of the rating provides a a good incentive for private piltos to undergo further training, such as complex types, tailwheel, or aerobatics. Requiring this flight to occur within a 12 month period allows a long enough period of time to prevent it causing an issue.</p> <p>The proposed proficiency check, being limited to 3 months preceeding expiry, is likely to cause problems for those who cannot afford to fly regularly. Due to the limited availability of examiners, and the frequency of cancellation due to adverse weather, I can forsee a situation where a pilots rating is left to expire simply because he/she was unable to conduct this flight.</p> <p>Secondly, unlike the current requirement, the proficiency check does not encourage an advancement of the skills held by the pilot. The flight is likely to induce undue stress, as (whether or not it is likely to occur), the flight has the capacity to 'revoke' the pilots' rating. Whereas the current requirement does not carry this risk, and is more likely to be embraced by the pilot as a learning experience.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>243 <span style="float: right;">comment by: <i>Joe Sullivan</i></span></p> <p>with referance to FCL.740.A section b part 2 "For at least every third revalidation, the applicant shall comply with the requirements in(1)(i)."</p> <p>This Creates an unnecessary burden on the pilot due to the requirement to do this proficiency check <b>with an examiner</b>.</p> <ul style="list-style-type: none"> <li>• 1) While it may be prudent to do a more rigorous review of skills on a</li> </ul>

- six yearly basis this could and should be performed by an FI or a CFI.
- 2) Currently examiners are managed through the competent authority, this measure will create a huge administrative burden
  - 3) There are too few Examiners to support this system and the requirement that an examiner hold a CPL will prevent more FE form being appointed
  - 4) It will create a significant cost to the pilot
  - 5) It will defacto be a mini flight test
  - 6) It will create a barrier to revalidation too great for many pilots to overcome
  - 7)It creates an unfairness specific to PPL as the exemption applied to examiners for the LPL to hold a CPL does not apply to examiners for the PPL.

response *Noted*

Please see the reply to comment 115 above.

comment 247

comment by: *Thomas WOLFF*

FCL-740.A  
(b)  
(2)

Requiring a check flight for every third revalidation seems excessive. This is more stringent and inconvenient than the JAR-FCL requirements, which have proven successful and are accepted in the pilot community.

As the examiner will charge a higher fee, this increases the cost for private and leisure pilots, especially if a volunteer flight instructor would be available in an aero-club environment.

Assuming that flight instructors are properly qualified, the "training flight" with instructor has proven to provide sufficient safety standards (compare international practice, e.g. the FAA Biennial Flight Review).

The most important point is psychological. Many older private and leisure pilots who fly only for recreation will be reluctant to be submitted to a check-flight. It is a "test-situation" which many would feel as stressful, as they are no longer used to being in a test situation (many are retired from their professional life.). This will cause many casual pilots to quit flying altogether.

Finally, there are simply not enough examiners available to cope with the high number of proficiency checks that would result from this requirement. The relatively limited number of VMC days in central Europe has a negative impact on examiner availability as well.

This item should thus be removed.

It may be more acceptable if the check flight may be performed by a flight instructor, and the practical test standards of Annex 9 serve only as a guideline of what flight maneuvers to perform.

response *Accepted*

Please see the reply to comment 115 above.

comment 305

comment by: *rod little*

response	<p>Seems unnecessary in view of (b)(1)(ii) above surely the flight instructor is sufficiently competent to judge the pilots aptitude in the annual training flight</p> <p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>351</b> <span style="float: right;">comment by: <i>Colm Farrell</i></span></p> <p>This requirement is unnecessary. There is no evidence of a safety issue here, and the requirement simply adds additional cost to the licence holder. This is attempting to regulate for the sake of regulation.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>385</b> <span style="float: right;">comment by: <i>Peter Kelleher</i></span></p> <p>FCL-740.A section b paragraph (2) should be deleted.</p> <p><del>(2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i).</del></p> <p>A proficiency check with an examiner after every third validation is unjustified and there is no evidence to support such a requirement. The recency requirements are in line with international practice and have worked well for many years. The LPL(A) holder will have to complete a training flight with an instructor to fulfil the recency requirements. If the instructor has any concerns about the competence of the holder, he can refuse to sign the holders licence until the holder reaches a satisfactory level of competence. There is no evidence that a proficiency check by an examiner will enhance safety. Such a measure will introduce a financial, organisational and administrative burden and will achieve nothing.</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>388</b> <span style="float: right;">comment by: <i>Limerick Flying Club</i></span></p> <p>The proficiency check mentioned here should be done with a Flight instructor or CFI of an approved Training Facility. It is not necessary, and is too prescriptive to have to do this with an examiner. Proficiency check is not a General Flight Test. This measure will defacto, make it one.</p> <p>It is uncertain if there will ever be enough examiners to perform this function for all pilots every six years</p> <p>PPL examiner are not excused from holding a CPL (as is the case with LPL examiners). PPLs will now have a new requirement to do a proficiency check with an examiner every six years and furthermore must use expensive and scarce CPL rated examiners while LPL holders may use examiners holding only LPLs and LAFI. This is clearly unfair and will force current PPL holders to surrender their PPL in favour of LPLs.</p>

response	<p>The new licences should not be instantiated at the expense of current licences</p> <p><i>Noted</i></p> <p>The Agency considers that the text of article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.</p> <p>Please see also the reply to comment 115 above.</p>
comment	<p>391 <span style="float: right;">comment by: <i>Peter SCHMIDLEITNER</i></span></p> <p>It is suggested that the following sentence is added to FCL.740.A (a) (4):</p> <p><b>If the proficiency check for the revalidation of the type or class rating is combined with the proficiency check for the IR(A) and therefore includes an en route IFR flight, the applicant is exempted from complying with the requirement in (2).</b></p> <p>Justification: Although this might be obvious from the present text (in particular when considering the equivalent provision for a VFR proficiency check as written in Appendix 9) at the present there are different interpretations of the similar JAR-FCL rule. Sometimes it is argued that the route sector flown with an examiner might not be combined with the proficiency check.</p>
response	<p><i>Noted</i></p> <p>The text has been amended to avoid misinterpretations.</p> <p>Please see the to comment 994 below.</p>
comment	<p>414 <span style="float: right;">comment by: <i>Geschäftsführer Luftsportverband RP</i></span></p> <p>zu (b) , (2) gilt wieder mein Kommentar Nr 412/413. Die Überprüfung ist nur verteuernnd. Für eine Erneuerung bei single-pilot und single-engine ist ausreichend, dass die Flugzeit mit instuctor oder unter Aufsicht eines instructor zur Verlängerung nachgeholt wird.</p> <p>Ferner wurde festgestellt in FCL.740, dass für single-pilot, single-engine die Gültigkeit 24 Monate beträgt. Die JAR-FCL Unterteilung von nochmals den letzten 12 Monaten ist unsinnig und sollte in einer neuen Regelung nicht fortgesetzt werden.</p> <p>Der Stundenflug mit Fluglehrer innerhalb den letzten 12 Monaten hat sich bewährt und muss nicht verschärft werden.</p> <p>Daher: den Satz (b), (2) ersatzlos streichen.</p> <p>und neu:</p> <p>(b) (1) (i) within the three months .....examiner; or</p> <p>(b) (1) (ii) within the 24 months preceding ..... including:</p> <p>- 6 hours as pilot-in-command;</p>

- 12 take-offs and 12 landings; and

(b) (1) (iii) within the 12 months preceding the expiry date of the rating a training flight of at least one hour with a flight instructor or .... Applicants shall be exempted from this flight if they have passed a proficiency check .....

response *Partially accepted*

Please see the reply to comment 115 above.

comment 449 comment by: *pietro BANCI*

740A (b)(1)(ii)  
 Since it is required to fly only the second year of validity of rating, pilots can stay without flying for the first year.  
 on the other hand, pilots flying the first year haven't any recognition of their activity for the purpose of revalidation.  
 this situation brings damage to the aero clubs; in fact pilots tend to stay far from the facilities and it is hard to start again for them after one year of inactivity.  
 I suggest to extend requirements to all the period of validity or allow to perform the required activity ( or part of it) in the first year of validity

response *Not accepted*

Please see the reply to comment 114 above.

comment 534 comment by: *Swedish Seaplane Association*

It is the SSA-opinion that.....

response *Noted*

The comment was not understood. It seems to be a trial.

comment 540 comment by: *E-Plane Ltd*

There is no demonstrated safety case for the requirement for a proficiency check every 6 years (per FCL 740A) and this requirement should be deleted. Further there is no regulatory assessment of the additional cost that the Industry will incur, or description of any benefit and in the absence of this the requirement should be deleted.

response *Noted*

Please see the reply to comment 115 above.

comment 558 comment by: *Thomas Endriss*

Comment with respects to FCL.740.A (B) (2):

The requirement of recurrency checkrides will only be appreciated if there are enough examiners who are freely and readily available. The current situation in Germany, for example is that in several areas applicants have to wait weeks and sometimes months to get an appointment for checkrides. Whilst this might be acceptable for a student pilot earning his/her wings, it will prove to be a

major hinderance for the mass of pilots who will have to renew their licenses on a regular basis.

There are several solutions to solve this problem:

- a) give experienced flight instructors a license for such recurrency checkrides
- b) enable independent examiners to do those checkrides. Independent means examiners who are not employed by a national agency like the LBA in Germany (or their regional entities - "Luftämter") but work on a self-employed basis. This would create competition and therefore more flexibility for the applicants for the checkrides.
- c) create a syllabus for those checkrides covering the most basic facts of airmanship and/or those parts that tend to lead to incidents/accidents frequently. This means: no complete checkride like one for a first-time student pilot applicant, but a tailor made "abbreviated checkride" for recurrency, covering for instance emergency procedures.
- d) create a syllabus with different check ride requirements according to the experience of the applicant (taking into account hours PIC, ratings (aerobatic endorsement), etc.)
- e) create the opportunity that an additional rating being added to an individual pilot's license will suffice for a check-ride (i.e. if a VFR PPL adds an IR rating, the next 6-year checkride will be regarded as passed) - this would have the benefit to entice pilots to broaden their aeronautic knowledge and proficiency. (this is comparable to the US BFR requirements where such ratings automatically renew the BFR as well)

response *Noted*

Please see the reply to comment 115 above.

comment 573

comment by: *Jürgen Böttcher*

FCL.740.A (b)(2) I highly welcome the biennial flight review as a real contributor to safety, but a full fledged proficiency check by an examiner every 6 years is total overkill. There are not enough examiners, the cost is high and many pilots will be tempted to terminate their flying activities early, thus weakening the entire industry. The FAA does not have such a requirement, having collected excellent results from the biennial flight review and Wings program.

response *Noted*

Please see the reply to comment 115 above.

comment 633

comment by: *British Microlight Aircraft Association*

*(b) Revalidation of single pilot single engine class ratings.*

(2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i).

Disagree. There is no safety case to that suggests that pilots benefit from a proficiency check every 6 years. This requirement should be removed.

response *Noted*

Please see the reply to comment 115 above.

comment	<p>868 <span style="float: right;">comment by: <i>Stefan Kramer</i></span></p>
	<p>Die Hinzuziehung eines Prüfers zur Verlängerung einer Klassenberechtigung ist angesichts der nachzuweisenden Flugpraxis und des Checkfluges mit Fluglehrer vollkommen unverhältnismässig. Es ist ebenfalls zweifelhaft, ob der Bestand vorhandener Prüfer ausreicht (und in Zukunft noch ausreichen wird), um die zu erwartenden Prüfungen durchzuführen. Eine solche Ausweitung hoheitlicher Überwachungstätigkeiten ist nebst den einhergehenden Verwaltungsakten selbst unter wirtschaftlichen/haushaltspolitischen Gesichtspunkten vollkommen unakzeptabel.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>930 <span style="float: right;">comment by: <i>Christian BERGER</i></span></p>
	<p>A proficiency check with an examiner according to FCL.740.A(b)(2) is not helpful for keeping a private pilot proficient. The proficiency is already checked every second year in the training flight with a flight instructor according to FCL.740.A(b)(1)(ii).</p> <p>According to my experience with these training flights under JAR-FCL, the flight instructor is able to identify weaknesses and to work on these weaknesses together with the pilot and in a situation which is positively experienced by the pilot. It is a training situation where the pilot knows that he will be able to master possible weaknesses - either already during the training flight or in subsequent training flights with the flight instructor. Such a situation is a win-win situation for the pilot and for the safety in General Aviation.</p> <p>To the contrary, a proficiency check with an examiner puts a lot of unnecessary pressure on the pilot, for he /she knows that it is possible to fail the check flight and subsequently be "grounded" until finally passing another proficiency check (FCL.740.A(c)). We all know that tests can be failed by mere nervousness or test stress even with all the knowledge and skill available for passing the test. That's what I call a lose-lose situation for pilots and General Aviation.</p> <p>In addition, it might be extremely difficult to get an appointment for a proficiency check with an examiner within the three month time limit (FCL.740.A(b)(1)(i)) given the low numbers of examiners available.</p> <p>Due to the arguments given above I'd like to see FCL.740.A(b)(2) to be removed.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>994 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p>
	<p>(a)(2)(ii) to be added : "This routesector may be flown during the profcheck."  <b>This remark is given also for FCL.740.H (a) (2) and FCL.740.A(b) (3)</b></p> <p>(b)(3) second line reference is missing. Should be "<i>the requirements of the paragraph (1) above</i>"</p>
response	<p><i>Accepted</i></p> <p>The text will be amended to avoid misinterpretations.  The error will be corrected.</p>

comment	<p data-bbox="352 241 427 273">1042</p> <p data-bbox="1034 241 1445 273">comment by: <i>Richard Metzger</i></p> <p data-bbox="352 297 1437 456">to fcl740A, a (1) a proficiency check within 3 months before expiration is extremely difficult in the bad weather period in the winter. If your expiration date is beginning of April, it is very hard to find good weather from beginning of January to end of March.</p> <p data-bbox="352 495 1418 526">I'd suggest to keep it at the current regulation = 12 months before expiration.</p> <p data-bbox="352 562 1437 779">to (b) (2): I strongly object against an examination every 6 years. Bi-yearly proficiency checks with an instructor are good, but examinations will NOT foster general aviation. Examinations will cause higher cost, higher administration and create unnecessary "fear" and stress situations. If the intention is to ensure proficiency, then the necessary learning best takes place in a less stressy situation with the already established bi-annual checkride with an instructor.</p>
response	<p data-bbox="352 801 437 833"><i>Noted</i></p> <p data-bbox="352 860 959 891">Please see the reply to comment 168 above.</p>
comment	<p data-bbox="352 947 427 978">1043</p> <p data-bbox="963 947 1445 978">comment by: <i>Guenter Kretzschmar</i></p> <p data-bbox="352 1008 1437 1104">FCL.740.A (b) (1) "within the three months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner;"</p> <p data-bbox="352 1137 1437 1330">Comment: Taking into account the fact that holders of a PPL with single-engine piston aeroplane and/or touring motor glider ratings usually have only little experience to fly in difficult weather conditions, passing the required proficiency check is much more dependent on good weather conditions as any other proficiency check for higher ratings. Therefore, the period of three months is too short, especially when it occurs between October and March.</p> <p data-bbox="352 1364 1155 1395">Recommendation: Increase of the period up to six months.</p> <p data-bbox="352 1429 1437 1525">FCL.740.A (b) (2) "For at least every third revalidation, the applicant shall comply with the requirement in (1) (i)." The paragraph referred to is cited above.</p> <p data-bbox="352 1559 1437 1783">Comment: In my understanding, this requirement is a hard discrimination of all flight instructors with whom the pilots have passed the training flights the years before. The requirement of the proficiency check implies that the flight instructors did not find out the proficiency weaknesses of the pilots and did not train them as they ought to have done. Being myself a flight instructor (FI) and a class rating examiner (CRE) I feel very much insulted by the requirement of the proficiency check.</p> <p data-bbox="352 1816 1326 1848">Recommendation: Complete annulment of paragraph FCL.740.A (b)(2).</p>
response	<p data-bbox="352 1861 437 1892"><i>Noted</i></p> <p data-bbox="352 1921 959 1953">Please see the reply to comment 115 above.</p>

comment	<p>1070 comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Comment:</b> The way we understand the text, this means that there will be either in a land version or a sea version of aeroplanes since this is two different classes.</p> <p><b>Proposal:</b> There should be a requirement for the licence holder to perform both land and sea version in order to maintain the land and sea class rating.</p>
response	<p><i>Noted</i></p> <p>The requirement is indeed that if the pilot holds both land and sea versions he/she needs to comply with requirements in both classes in order to keep the ratings valid.</p>
comment	<p>1151 comment by: <i>Schäfer</i></p> <p>Der Prüfungsflug nach jeder dritten Verlängerung ist zu streichen, dafür gilt nach wie vor der 1-Stundenflug mit Fluglehrer als ausreichen.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>1156 comment by: <i>KLSPublishing</i></p> <p>740A (b)(2) this point is superfluous, arguments already given</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>1197 comment by: <i>Luftsportverband Rheinland Pfalz</i></p> <p>FCL 740.A (b) (2) ist zu streichen. Eine Überprüfung alle drei Jahre erhöht die Kosten. Die in FCL 740.A (b) (1) (ii) geforderten Überprüfungen zur Erneuerung durch einen einstündigen Überprüfungsflug mit einem FI sind ausreichend. Nach meinem Wissensstand gibt es keine Erkenntnisse, die zu Zweifeln an der praktischen oder theoretischen Kompetenz der Fluglehrer berechtigen.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>1261 comment by: <i>Günter End</i></p> <p>Übungsflug alle 2 Jahre ist ausreichend. Entsprechend qualifizierte Prüfer werden fehlen und die Kosten werden unnötig belasten. Die Forderung scheint unbegründet, weil auch in den USA mit mehr Erfahrung eine solche Forderung nie erwogen wurde.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that an examiner is only required for the revalidation of Type Ratings and ME class ratings and for</p>

SE/SP class ratings an examiner is only required every six years.

comment **1302** comment by: *Vincent Lambercy*

The point "(2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i). " shall in my view be removed. As long as the FI or CRI conducting the flight mentioned under (1)(ii) makes his job correctly, there is no reason to involve a CRE in the process. This creates an extra administrative work, and brings no extra safety.

To avoid the "instructor / friend" problem, the point (1)(ii) should require that the FI or CRI must not be the same twice in a row, to ensure involvement of various persons.

response **Noted**

Please see the reply to comment 115 above.

Regarding your second point, the text is a direct transposition from JAR-FCL 1.245, and the Agency sees no need to change it.

comment **1342** comment by: *Gerhard Hehl*

Jede 3. Erneuerung ist mit einem Prüfer abzulehnen. Ein Flug mit einem Fluglehrer ist völlig ausreichend. Es würden Altrechte beschnitten. Ausserdem werden wieder Kosten verursacht, die nicht gerechtfertigt sind. Im Übrigen werden voraussichtlich gar nicht so viel Prüfer zur Verfügung stehen, die dann zusätzlich gebraucht würden.

response **Noted**

Please see the reply to comment 115 above.

comment **1359** comment by: *George Knight*

FCL.740.A  
(b)(2) This is unnecessary. It is covered by (b) (1).

response **Noted**

Please see the reply to comment 115 above.

comment **1367** ❖ comment by: *Jochen Schwab*

The requirement for an examiner to carry out the proficiency check every third revalidation is not adequate. The "training flights" with a FI(A) that are necessary since introduction of JAR-FCL actually have already the characteristics of a proficiency check. There is no flight safety benefit in the requirement for an examiner. Furthermore, the magnitude of examiners is not sufficient to satisfy the needs for proficiency flights. Even when more examiners will be accounted by the authorities there will not be sufficient people able to obtain the examiner licence because of the prerequisites for it.

Recommendation for change:

The "training flight" at every revalidation shall be carried out with a FI(A) or CRI (A)

response	<p>The "proficiency check" at every third revalidation shall be carried out with an Examiner or FI(A).</p> <p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>1711</b> <span style="float: right;">comment by: <i>Sven Koch</i></span></p> <p>Ein Pilot-Einmotorig oder TMG nach Ablauf 3 Monate ein Prüfercheckflug; nach Ablauf 12 Monate: 12 Std Flugzeit, davon 6 Std PIC und 12 Starts/Landungen, 1 Std Flug mit Fluglehrer Jede 3. Verlängerung ein Prüfercheckflug Inhaber von PPL(A) und TMG können wählen, Bedingungen gelten für beide Klassen. Ablehnung wegen Beschneidung der Altrechte; Eine Flugstunde mit Fluglehrer ist ausreichend. Subpart I zusätzliche Berechtigungen</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that an examiner is only required for the revalidation of Type Ratings and ME class ratings and for SE/SP class ratings an examiner is only required every six years.</p>
comment	<p><b>1799</b> <span style="float: right;">comment by: <i>Sebastian Grill</i></span></p> <p>Um diese Regel sinnvoll durchzuführen, wäre eine sehr große Anzahl von Prüfern nötig. Sinnvoller wäre es, die vorhandenen Fluglehrer in den Vereinen mit der Überprüfung eines standardisierten Prüfungsprogramms zu beauftragen</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that an examiner is only required for the revalidation of Type Ratings and ME class ratings and for SE/SP class ratings an examiner is only required every six years.</p>
comment	<p><b>1819</b> <span style="float: right;">comment by: <i>Matthias SIEBER</i></span></p> <p>Das Gesamtkonzept für die Verlängerung ist in meinen Augen nicht schlüssig. Es sollen 18 Stunden Flug als PIC in den letzten 6 Jahren genügen, die Erfahrung und den Umgang mit Flugzeugen zu bewahren. Das ist deutlich zu wenig. Nach diesen 6 Jahren soll dann eine Prüfung mit einem Prüfer genügen, die fehlende Erfahrung wieder zu bekommen.</p> <p>Als Gegenvorschlag zu den Flügen mit Prüfer schlage ich die Beibehaltung der bisherigen Regelung vor, bei der man alle 2 Jahre einen Übungsflug mit einem Fluglehrer durchführt. Zusätzlich könnte man bei der dritten Verlängerung die Ablegung eines standardisierten Übungsprogramms mit Meldung/Bestätigung an die verlängernde Behörde durch den jeweiligen Fluglehrer durchführen. Das Personal (FI) ist in der Regel verfügbar, eine unbürokratische Handhabung und Durchführung ist gewährleistet außerdem ist der Trainingseffekt besser und die Kosten für die Piloten fallen geringer aus.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 930 in this segment.</p>

comment	<p><b>1834</b> <span style="float: right;">comment by: <i>Bruha Oliver</i></span></p> <p>So meiner Meinung nach nicht umzusetzen. Es müssten viele Prüfer zur Verfügung stehen. viel zu viel Bürokratie. Es reicht aus, wenn verantwortungsbewußte Fluglehrer die Überprüfung übernehmen.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please note that an examiner is only required for the revalidation of Type Ratings and ME class ratings and for SE/SP class ratings an examiner is only required every six years.</p>
comment	<p><b>1839</b> <span style="float: right;">comment by: <i>Armin Müller</i></span></p> <p>The requirement of FCL.740.A (b)(2) is obsolete in my view, as it leads only to a increase of burocrazy with no gain in safety. The relatively scarce population of examiners, compared to FIs, will pose a problem. Furthermore the training flight according (b)(ii) will be enough safety and quality assurance, according to my experience as FI(A) and CRI.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>1857</b> <span style="float: right;">comment by: <i>Dr. Schreck</i></span></p> <p>FCL.740.A Nach 6 Jahren soll zur Verlängerung eine Überprüfung mit einem Examiner durchgeführt werden. Innerhalb dieser 6 Jahre ist nur eine geringe Anzahl von Pflichtstunden bzw Starts erforderlich. Die Argumentation ist daher nicht schlüssig. Die geringe Anzahl von Pflichtstunden kann keinesfalls die Erfahrung vermitteln, um nach 6 Jahren eine Überprüfung durch einen Examiner gewachsen zu sein. Wenn nicht alle Anforderungen erfüllt sind, ist die zu überprüfende Person anschließend "gegründet". Sinnvoll wäre in reglemäßigen Abständen eine Überprüfung nach standardisiertem Verfahren, z.B. durch Vorgaben durch das Luftamt, durch einen Fluglehrer. Dieser Fluglehrer.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. Please refer to the response given to comment no 930 in this segment.</p>
comment	<p><b>1868</b> <span style="float: right;">comment by: <i>Georg Schott</i></span></p> <p>Hier sollte es bei der bisherigen Regelung ( alle 2 Jahre einen Übungsflug mit Fluglehrer) bleiben. Bei der dritten Verlängerung könnte die Fähigkeit anhand eines standardisierten Prüfungsfluges durch einen Fluglehrer überprüft werden und das Prüfungsergebnis der verlängernden Behörde mitgeteilt werden. Fluglehrer sind normalerweise in den Vereinen ausreichend vorhanden und somit ohne größeren Aufwand jederzeit erreichbar. Überprüfungen können unbürokratisch innerhalb des Vereines terminlich abgesprochen und entsprechend absolviert werden. Das ist dann alles verfahrenstechnisch wesentlich einfacher und spart erhebliche Kosten und Verwaltungsaufwand ein.</p>
response	<p><i>Noted</i></p>

Thank you for providing this comment. Please refer to the response given to comment no 930 in this segment.

comment

1878

comment by: *Markus Malcharek*

Hier ist leider kein schlüssiges Konzept zu erkennen! Es werden nur 12 Stunden Flugerfahrung gefordert, aber regelmäßig Prüfungsflüge mit Examiner? Dies widerspricht sich und wird keinen Gewinn an Sicherheit bringen! Lediglich die Kosten werden massiv erhöht und der bürokratische Aufwand steigt.

Vorschlag: Die bisherige Regelung beibehalten, alle 2 Jahre einen Übungsflug mit FI. Bei jeder dritten Verlängerung (=alle 6 Jahre) einen standardisierten Übungsflug ablegen, nach einer Checkliste, die vom Luftamt gestellt wird. Dies wird vom FI an das zuständige Luftamt zurück gemeldet.

Denn: Neben den hohen Kosten und dem bürokratischen Aufwand gibt es derzeit viel zu wenige Examiner! FI mit großer Erfahrung dagegen sind in den Vereinen in hoher Zahl vorhanden. Damit können nicht nur die Kosten verringert werden, sondern auch der Trainingseffekt für die Piloten erhöht werden. Und der bürokratische Aufwand wird geringer!

Der EASA Vorschlag, 3 Monate vor der Verlängerungsfrist eine Überprüfung machen zu MÜSSEN und bei Nichtbestehen auch nur eines Teils "gegründet" zu werden, ist äußerst fragwürdig! Dies widerspricht eindeutig dem Bestandsschutz. Und bringt keinerlei Sicherheitsgewinn gegenüber einer Lösung, bei dem mehr als die von der EASA geforderten Stunden geflogen und regelmäßige Übungsflüge mit einem FGLuglehrer absolviert werden müssen.

response

*Noted*

Thank you for providing this comment. Please refer to the response given to comment no 930 in this segment.

comment

1968

comment by: *Dr. Tobias MOCK*

*English version of the German comment: see below*

Ein paar schwärmerische Gedanken vorweg: Kaum etwas wird seit Menschengedenken mit der Freiheit so sehr assoziiert wie das Fliegen. Schon immer blicken die Menschen sehnsüchtig den Vögeln hinterher, schon immer träumen sie davon, so frei zu sein wie sie. Wie kommt es, dass ich keinen Bereich meines Lebens kenne, der so unfrei und reglementiert ist wie die Luftfahrt? Natürlich sind Regeln erforderlich, natürlich erhalten sie die Sicherheit. Aber muss man einem Privatpiloten wirklich fast so sehr reglementieren wie einen Berufspiloten? Kann man ihm wirklich die Eigenverantwortung absprechen wie einem Kindergartenkind? Kann man ihm nicht, wie beispielsweise einem Autofahrer, zugestehen, dass er selbst um sein Leben und seine Gesundheit besorgt ist? Dass er nach dem Lizenzerwerb, mit dem er seine Eignung bewiesen hat, eine gewisse charakterliche Reife an den Tag legen wird, die ihn davon abhalten wird, sich bei nachlassendem Leistungsvermögen durch Selbstüberschätzung aus der Evolution zu streichen? Darf man ihn, wie derzeit wohl nicht nur in Deutschland, einem völlig unreflektierten Generalverdacht aussetzen und sein Privatleben wie das eines Terroristen durchleuchten, bloß weil er einen alten Menschheitstraum lebt? Bzw. weil es einen Fall gegeben hat, in dem ein paar Perverse Flugzeuge als Waffe missbraucht haben? Opfern wir nicht manchmal zu viel wertvolle Freiheit für ein bisschen trügerische Sicherheit? Oder, um ein bisschen weniger pathetisch zu klingen, sollte die EASA nicht auch bemüht sein, zumindest im

Privatpilotenbereich die Freude am Fliegen zu erhalten, statt zu sehr zu reglementieren? Wir diskutieren hier einen Entwurf, und warum soll der Entwurf nicht mutig sein, warum soll er Piloten nicht ein wenig Vernunft und Verantwortung zugestehen?

Doch nun zurück zu den FCL.

Ich kann mir vorstellen, dass FCL.740.A und seine Verwandten die Punkte sind, zu denen die meisten Kommentare abgegeben werden. Ein Übungsflug mit Fluglehrer, alle zwei Jahre stattfindend, ist seit Einführung der JAR etabliert. Dieser Übungsflug soll beibehalten werden, und, obwohl es bürokratischen Aufwand bedeutet, obwohl es Geld kostet, obwohl es Regulierung bedeutet und die in meinem Kommentar zu FCL.055 bereits kritisierte Unfähigkeit der Staatengemeinschaft unterstreicht, Vertrauen in sein eigenes Urteilsvermögen bei der Erteilung einer Berechtigung zu demonstrieren, sperre ich mich nicht gegen diesen Übungsflug. Warum nicht? Weil ich ihn selbst als sinnvoll erlebt habe. Der Fluglehrer kann hier individuell auf den Trainingsbedarf des Piloten eingehen, Defizite erkennen und wegtrainieren, und das alles geschieht in einer stressfreien Atmosphäre, die zu einem guten Lernerfolg beiträgt. Auch gegen den Übungsflug hat sich bei dessen Einführung viel Protest geregt. Ich erinnere mich gut, dass der Protest damals im wesentlichen auf einem beruhte: Darauf nämlich, dass die Leute den Übungsflug schon damals für einen Überprüfungsflug gehalten haben. Als klar wurde, dass er genau das nicht ist, ebte der Protest rasch ab.

Nun mag sich derjenige, der schon ahnt, dass ich mit dem geplanten Überprüfungsflug (Proficiency check) ganz und gar nicht einverstanden bin, fragen, wo denn nun der fundamentale Unterschied zu eben diesem liegt?

Nun, da gibt es mehrere Ansatzpunkte. Der erste ist, dass man bei einem solchen Flug durchfallen kann. Klingt trivial, ist es aber nicht. Wer, wie ich, noch zu Zeiten der alten ICAO-Lizenzen einen Flugschein erworben hat, hat das in der Erwartung getan, eine Lizenz zu erhalten, die unter bestimmten Bedingungen, die damals schon bekannt waren (allen voran die Mindestfluganforderungen und die flugmedizinische Tauglichkeit), lebenslang gültig sein würde. Nur unter dieser Prämisse hat er den erheblichen organisatorischen und finanziellen Aufwand getrieben, der dazu nötig war. Nehmen wir mich selbst als Beispiel: Der Erwerb der Privatpilotenlizenz hat mich ziemlich genau die Hälfte meines gesamten damaligen Vermögens gekostet. Versetzen Sie sich in meine Situation. Überschlagen Sie einmal Ihr Vermögen und stellen Sie sich vor, sie würden sich für die Hälfte davon etwas kaufen. Ich kenne die Einkommensverhältnisse derjenigen nicht, die das hier lesen - bei einem mag es ein Haus sein, beim anderen ein Auto, aber es sei die Hälfte Ihres Vermögens wert. Wären Sie einverstanden, wenn eine neue Verordnung in Kraft träte, aufgrund derer Ihre Eignung, ihr neues Eigentum zu besitzen, alle sechs Jahre geprüft würde - wohlgermerkt mit dem Risiko, das Eigentum zu verlieren? Wohl kaum.

Anders sieht es bei Neubewerbern für eine EASA-Lizenz aus. Diese können das Risiko einkalkulieren. Wobei ich mir sicher bin, dass das Wissen um diese Regelung so manchen vom Luftsport abhalten wird. Das ist sicherlich auch das Ziel manches Politikers - das der EASA ist es erklärtermaßen NICHT.

So halte ich den Überprüfungsflug im Gegensatz zum Übungsflug auch für Neubewerber einer EASA-Lizenz für kontraproduktiv. Ein solcher Überprüfungsflug wird immer nach dem Schema ablaufen, das der Prüfer vorgibt, zumal der Prüfer den Prüfling in aller Regel nicht kennen wird. Das bedeutet zum einen, dass eben gerade NICHT auf den individuellen Trainingsbedarf des Prüflings eingegangen wird. Zum anderen bedeutet die Prüfungssituation als solche für nicht wenige Menschen eine Stresssituation. Es wird Piloten geben, die froh sein werden, diesen Flug irgendwie hinter sich zu bringen, andere werden aufgrund der Prüfungssituation Fehler machen, die sie

bei einem Übungsflug nicht gemacht hätten. Wieder andere werden zum Überprüfungsflug gar nicht erst antreten und ihre Lizenz (bzw. Berechtigung) verfallen lassen.

Privatpiloten das Leben durch regelmäßige Proficiency Checks schwer zu machen, könnte einzig dann sinnvoll erscheinen, wenn man ihnen eine gewerbliche Tätigkeit zugestehen wollte. Es wäre doch bei einem solchen Ausmaß an Regulierung nicht mehr einzusehen, warum ein Privatpilot nicht beispielsweise Gegenstände gegen Entgelt transportieren dürfte - wobei ich kaum glaube, dass das ein Ziel des durchschnittlichen Privatpiloten ist (und das der EASA ist es auch nicht, wie aus FCL.205.A hervorgeht).

Wie gesagt, wir reden vom Privatpiloten. Dieser hat eine Lizenz, er fliegt ohne Druck, er muss sich keinen fliegerischen Extremsituationen aussetzen, er hält sich in Übung, er macht Übungsflüge mit Fluglehrer, er geht zum Medical, und er fliegt zum privaten Vergnügen ohne gewerblichen Anspruch. Der Übungsflug ist ein sinnvolles und bewährtes Instrument. Warum ihn durch einen Proficiency Check ersetzen? Für mich wäre hier kein Vorteil erkennbar.

*A few enthusiastic thoughts to begin with: There is hardly anything that people associate with freedom as much as flying. People have always been wishfully gazing at the birds, have always been dreaming to be as free as they are. So how comes that in my life, there is no part that is as unfree and overregulated as aviation? Certainly regulations are necessary, certainly they ensure safety and security. But is it really necessary to regulate a private pilot almost as strictly as a commercial pilot? Do we really have to deny him any sense of responsibility as if he were a child in nursery school? Can we not concede that he - like a car driver - cares for his life and his health? That after having proved his ability by obtaining a license, he will show a certain maturity that will prevent him from deleting himself from evolution by carelessly neglecting a decrease in his aptitude? Is it really permissible (like probably not only in my country) to put him under an unreflected general suspicion and to scan through his private life as if he were a terrorist, only because he lives mankind's oldest dream? Or maybe because there has been one case when a bunch of perverts have abused airplanes as weapons? Do we not sometimes sacrifice too much of our precious freedom and trade it in for a small amount of illusive security? Or, to sound a bit less pathetic, should EASA not be anxious to keep up the joy of flying at least for their private pilots, instead of regulating too much? We are discussing a proposal, and why should this proposal not be bold, why should it not attribute a little bit of reason and responsibility to pilots?*

*But now, let us go back to the FCL.*

*I imagine that FCL.740.A and its relatives are the regulations that are most frequently commented on. A biannual training flight with a flight instructor has been established with JAR. This training flight will be incorporated into the EASA regulations and, though it means bureaucratic effort, though it costs money, though it means regulation and though it stresses the inability of the community of states to demonstrate trust in its own judgement when issuing a license (as I have already criticised in my comment regarding FCL.055), I still do not refuse it. Why not? Because it makes sense to me. The flight instructor can address the pilot's training needs, identify deficits and apply the appropriate training, and all that happens in a stressless atmosphere that will encourage a successful learning process.*

*When the biannual training flight was first introduced, there was a lot of resistance against it. I remember quite well, that the protests against it all resulted from one common misunderstanding: people confused it with a proficiency check. As soon as they understood that it was a mere training flight, resistance faded away.*

Now anyone who senses that I do not favor the proposed proficiency check at all, may ask, what is the fundamental difference to it?

Well, there are several aspects. The first one is the possibility to fail the proficiency check. That may sound trivial, but it is not. Anyone who has obtained the old ICAO license has done that in the expectation to receive a license that would - certain prerequisites like a good health and fulfilment of recency requirements given - be valid for a lifetime. Only under that assumption has he accepted the extensive organisational and financial effort associated with it. Let's take me as an example: obtaining my private pilot's license has cost me almost exactly one half of all the assets I owned at that time. Try to walk in my shoes, or, to be fair, in the shoes of my former self: think of all your fortune. Then imagine you spend half of all that to buy something. I do not know how much those who read this own, for some that may be equivalent to a house, for some to a car, just assume it is worth half your assets. If now a new regulation was proposed that demanded that your ability to keep your new possession be rechecked periodically - with the risk of losing it - would you consent? Probably not.

For new applicants for an EASA license, that may be different. They can take that risk into account - though I am convinced that knowing about this regulation will prevent many from getting involved with private aviation. That is probably a goal that many a politician strives for - EASA declaredly does NOT.

For this reason I consider the proficiency check counterproductive - for new applicants as well as for those who already hold a license and have a status quo to preserve. A proficiency check will always follow the schedule provided by the flight examiner, especially since the examiner will hardly ever know the examinee. This implicates that the check flight will regularly fail to meet the pilot's training needs. Furthermore, the assessment setting itself will constitute distress for many people. There will be pilots who will simply be happy to somehow get over with it, others will make mistakes simply because of the distress of the examination situation and yet others will not show up at all and let their license (or rating) expire.

The only reason I could think of to complicate a private pilot's aviation life by introducing regular proficiency checks would be to grant him certain commercial privileges. Given the amount of regulation proposed, one would fail to see why a private pilot should not be allowed to, e. g., haul goods and receive remuneration for it, which, on the other hand, I do not believe to be the average private pilot's ambition (and neither is it EASA's, as stated in FCL.205.A).

Again: we are talking about the private pilot. He holds a license, he flies without pressure, he does not have to deliberately expose himself to aeronautical extremes, he meets recency requirements, participates in biannual training flights, holds a valid medical, and he flies for recreation without commercial ambition. The biannual training flight is reasonable and established. Why replace it by a proficiency check? To me, such a regulation would be without evident advantage.

response

Noted

Please see the reply to comment 115 above.

comment

1992

comment by: Esko RUOHTULA

According to daft FCL.740 and 740.A the period of validity of class and type ratings, except single-pilot single-engine class ratings, is 12 months from the date of expiry, if revalidated before its expiry, and the revalidation may be

done up to three months before the date of expiry. In other words a type or class rating can be revalidated for a period of up to 15 months from the date of proficiency check. My question is, why can't a proficiency check be done and an examiner revalidate a rating more than three months before the date of expiry? Why is a pilot "punished" for taking a proficiency check more often than required?

In order to provide more flexibility, I propose following changes to FCL.740.A to be in line with my comment on FCL.740:

740.A

(a)(1) ....class of aeroplane, ~~within the three months immediately preceding~~ prior the expiry date of the rating; ...

(b)(1) (i) ~~within the three months preceding~~ prior the expiry date of the rating, pass a proficiency check in the relevant class...

(b)(4) ....in accordance with Appendix 9 to this part with an examiner, ~~within the three months preceding~~ prior the expiry date of the rating.

response *Noted*

Please see the reply to comment 168 above.

comment *2001*

comment by: *Felix.Reichl*

A FI with restricted privileges should also be in the possession to do the training flight for SEP revalidation. A CRI is less experienced with flight training because of the very limited teaching training (5h). The FI with restricted privileges has the privilege to fly with student pilots and for the SEP revalidation the pilots are already in the possession of a valid license.

The one hour training flight should be done with a FI, FI with restricted privileges or a CRI.

response *Partially accepted*

The proposal does not exclude FI with restricted privileges to conduct the training flight for SEP revalidation, as long as they comply with FCL.910.FI.

comment *2059*

comment by: *Thomas SIEWERT*

FCL.740.A: Revalidation of class- and typeratings

Grundsätzlich möchte ich in diesem Punkt auf meine Ausführungen zu FCL.140.A verweisen.

Auch hier halte ich aus meiner Sicht als Fluglehrer das Konzept zur Verlängerung der Berechtigung nicht für schlüssig.

Gem. (b) (1) (ii) würde eine Gesamtflugzeit von 18 Stunden zur dreimaligen Verlängerung der Berechtigung ausreichen. Wie soll bei dieser Gesamtflugzeit ein Lizenzinhaber die nötige Inübunghaltung realisiert werden um anschließend einen „proficiency check" mit einem „Examiner" bestehen?

Darüber hinaus erscheint das gesamte Verfahren hinsichtlich der Verlängerung der Berechtigung durch einen „Examiner" fragwürdig und letztlich für den PPL-Bereich unangemessen.

Es entsteht der Eindruck, dass die an die Bedürfnisse und Möglichkeiten der gewerblichen Fliegerei (CPL/ATPL) orientierten Regularien unreflektiert auf den PPL-Bereich übertragen wurden. So sind z. B. für CPL- oder ATPL-Inhaber die Kosten eines „examiner checkrides" unerheblich, da diese i. d. R. vom Arbeitgeber übernommen und letztlich an den „Kunden" weiter gegeben

werden. Diese Möglichkeiten bestehen für PPL-Inhaber nicht!

Berücksichtigt man die Tatsache, dass viele PPL-Inhaber ihre Lizenz (aus verschiedensten Gründen, nicht selten aber wegen der Kosten) nach Ablauf der ersten Gültigkeitsperiode nicht mehr verlängern, sind die Regularien in der vorliegenden Form bestens geeignet, diese Tendenz zu forcieren und damit den Bestand an PPL-Inhabern und Luftsportlern weiter zu reduzieren. Dies kann nicht im Sinne der Förderung und Weiterentwicklung des Luftsports sowie der Beibehaltung der Nachwuchsgewinnung durch die Luftsportvereine sein.

Erneut möchte ich hier folgenden Punkt der BR 2008\_216 zitieren:

1.e.2.:

„Die praktischen Fertigkeiten müssen in angemessenem Umfang aufrechterhalten werden. Die Erfüllung dieser Anforderung ist durch regelmäßige Bewertungen, Prüfungen, Tests oder Kontrollen nachzuweisen. Die Häufigkeit von Prüfungen, Tests oder Kontrollen muss dem mit der Tätigkeit verbundenen Risiko angemessen sein.“

Mit dieser Regelung ist zwar festgelegt, dass sich Piloten in regelmäßigen Abständen Bewertungen oder Kontrollen unterziehen müssen, dies führt jedoch nicht zwingend zu der Erfordernis eines „Examiners“!

Wir Fluglehrer bilden fortlaufend Flugschüler uns und stellen fest, ob diese in der Lage sind, die Anforderungen einer praktischen Prüfung, die ja mit einem „proficiency check“ vergleichbar sein soll, zu erfüllen.

Aus welchem Grund sollten Fluglehrer daher nicht ebenso gut in der Lage sein, diese Fähigkeiten bzw. das „Prüfungsniveau“ auch bei einem Lizenzinhaber einzuschätzen bzw. festzustellen?

Alle zu absolvierenden Punkte eines „proficiency check“ können durch einen FI mindestens ebenso gut überprüft werden.

Darüber hinaus sind Fluglehrer (derzeit noch) in hinreichender Zahl vor Ort (auch in den Vereinen). So könnte mit geringstem Kostenaufwand für die Piloten in unseren Vereinen und der Möglichkeit bei erkannten Mängeln sofort/zeitnah zielgerichtet nachzuschulen das gesteckte Ziel genauso erreicht werden.

Darüber soll angemerkt werden, dass (zumindest bei unserer zuständigen Behörde) gar nicht das Examiner-Personal mit der vorgeschriebenen Qualifikation (insbesondere CPL-Inhaber) vorhanden ist, um diese Überprüfungen durchführen zu können.

Der Rückgriff auf „freiberufliche Examiner“, die nicht Angehörige einer Behörde sind und mit ihren Dienstleistungen wohl in erster Linie zunächst finanzielle Interessen verfolgen, kann sicherlich nicht im Sinne dieser Vorschrift sein. So könnte ein „Examiner“ ja mehrfach daran „verdienen“, sollte ein zu überprüfender Pilot nicht gleich beim ersten Versuch seinen „proficiency check“ bestehen!!

Das Personal der örtlichen Behörden mit dem Einsatz von Steuergeldern kostspielig auf den o. g. Stand zu bringen, erscheint weder wirtschaftlich noch sinnvoll und bestimmt nicht im Sinne der Steuerzahler, zumal durch die bisherige Praxis der Lizenzverlängerungen ohne „Examiner“ keinerlei erkennbaren Sicherheitsdefizite aufgetreten sind.

Die mit den JAR-FCL-Regelungen eingeführten „Übungsflüge“ haben sich bewährt, die Art und Weise der Durchführung ist bei den Piloten akzeptiert. Dies insbesondere deshalb, weil der Fluglehrer im Rahmen dieses Übungsfluges gut auf individuelle Bedürfnisse eingehen und zielgerichtet nachschulen kann, sofern dies erforderlich sein sollte.

Ein „Examiner“ ist i. d. R. kein im Verein greifbarer Fluglehrer. Der „Examiner“ stellt z. B. nur fest „proficiency check failed“. Dann ist es Sache entweder des Piloten genau zu erfahren warum er nicht bestanden hat und ggf. mit einem Fluglehrer die Defizite zu besprechen und zu korrigieren, oder der nachschulende Fluglehrer muss vom „Examiner“ entsprechend instruiert werden. Dies ist weiterer Aufwand.

Darüber hinaus sollte auch folgender Aspekt bedacht werden:

Bei nicht wenigen Piloten liegt der Stichtag zum Ablauf der Berechtigung im Winterhalbjahr, üblicherweise - zumindest in Deutschland - vielfach eine Schlechtwetterperiode. Der „proficiency check“ soll innerhalb von drei Monaten vor dem Ablaufdatum durchgeführt werden. So kann in dieser Phase ein erhöhter Druck bestehen, fliegbare Wetterlagen mit der Verfügbarkeit eines entsprechend qualifizierten „Examiners“ zu koordinieren, evtl. auch für einen Wiederholungstermin. Das könnte in der Praxis vielfach kompliziert werden. Damit ist abzusehen, dass aus der einen oder anderen „revalidation“ ein „renewal“ wird.

Als Alternativvorschlag bitten wir zu prüfen:

- es bleibt im Bereich der PPL bei den fortlaufenden Lizenzverlängerungen im Abstand von zwei Jahren durch einen Fluglehrer, der auch den „Übungsflug“ durchführt,
- bei jeder dritten Verlängerung erfolgt ein „standardisierter Übungsflug“, der ebenfalls mit einem Fluglehrer durchgeführt wird. Der Fluglehrer bestätigt die erfolgreiche Ablegung dieses Übungsfluges gegenüber der Behörde.

Diese alternative Vorgehensweise ist gegenüber dem vorliegenden Regelungsvorschlag

- mit einem geringeren Kostenaufwand für die Piloten verbunden
- nur mit einem geringem bürokratischen Mehraufwand für die Fluglehrer und die Behörden verbunden
- im Grundsatz bewährt und lässt keinerlei nachteilige Auswirkungen auf die Sicherheit im Luftverkehr befürchten
- mit weniger Nachteilen für den vereinsmäßig ausgeübten Luftsport verbunden.

response *Noted*

Please see the reply to comment 115 above.

comment *2114*

comment by: *Reinhard Heineking*

FCL740A

The current practice of the 1 hour training flight every two years shows good results and is definitely enough check for PPL pilots. Possibly there should be a guideline or checklist of items to be trained within the 1 hour training flight. This training checks can be documented by the Flight Instructor and archived and or passed to the authorities. It is not necessary, that a proficiency check with an examiner has to be passed every 6 years. FCL740A.(b) (2) should be removed.

response *Noted*

Please see the reply to comment 115 above.

comment *2152*

comment by: *Rüdiger Braun*

	<p>b. (1) ii it should read "within the 24 months preceding....</p> <p>1. Due to personal or business problems it might be possible that you cannot fly within the last 12 months but you have enough flight hours within the last 24 months.</p> <p>2. If you plan to fly 12 to 18 hours, some pilots told me that the weather is good, the aircraft ok but they will plan to fly next year due to the revalidation rules. the flying club is losing flight-time and the pilot is losing experience.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 114 above.</p>
comment	<p>2153 <span style="float: right;">comment by: <i>Rüdiger Braun</i></span></p> <p><u>b (2)</u></p> <p>Please no extra proficiency checks. Use the rules and improve the details for training flights with FI. e.g. During training - flights with FI check general performance (safe flight), use of nav equipment, handling of abnormals according manual.</p> <p>The high requirements for examiners will lead to a decreasing number of examiners who are not able to handle the high number of proficiency checks. Please cancel § b (2).</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>2177 <span style="float: right;">comment by: <i>Oelschlaeger, Harald</i></span></p> <p>Ablehnung wegen der Beschneidung der Altrechte. Eine Flugstunde mit Fluglehrer ist ausreichend.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>2307 <span style="float: right;">comment by: <i>Matthias Dangel</i></span></p> <p>Hier sollte im Sinne der Kostenreduzierung, Entbürokratisierung und Verfügbarkeit von qualifiziertem Personal vor Ort ein Fluglehrer ( FI ) für die Durchführung und Abnahme der Überprüfungsflüge zugelassen sein, schließlich ist ein ( FI ) auch in der Lage einen unerfahrenen Flugschüler soweit auszubilden das er am Luftverkehr teilnehmen kann.</p> <p><b>Vorschlag:</b> alle 2 Jahre einen Übungsflug mit Fluglehrer wie bisher, aber bei der dritten Verlängerung ( alle 6 Jahre ) ein standardisiertes Übungsprogramm mit einem Fluglehrer ( FI ) mit Meldung und Bestätigung an die zuständige Behörde durch den Fluglehrer ( FI ).</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. Please refer to the response given to comment no 930 in this segment.</p>
comment	<p>2443 <span style="float: right;">comment by: <i>Dr. Horst Schomann</i></span></p>

Problem: Proficiency check with examiner every third revalidation.  
 Proposed solution: Require in subparagraph (1) (ii) 12 hours and 12 take-offs and landings generally in the last 24 month and 1 training flight with at least one hour with an instructor in the last 12 month. Missing hours or take-offs and landings are to be performed under supervision of an instructor. Delete (b) (2).

Justification: Being an instructor for PPL(A, TMG) and Glider Pilot License for more than 30/40 years, my proposed solution appears to be sufficient to gain the necessary safety. In all this time there was no accident with the involved personnel in my ambulance. The introduction of a proficiency check with an examiner increases the effort on both sides and cost for the pilot with anticipated little improvement.

response *Noted*

Please see the reply to comment 115 above.

comment 2494

comment by: *mfb-bb*

### **Proficiency Check (PPL / FI)**

Regelmäßiges Ablegen von Prüfungen im Bereich der Segelflugpiloten PPL-S, PPL-A etc.

In der Basic Regulation wurden regelmäßige Kontrollen zum Erreichen eines einheitlichen Sicherheitsniveaus vereinbart.

Sicherheitsstandards sind als sinnvoll zu bewerten, da sich im Bereich der täglichen Praxis gewisse „Eigenarten“ einschleifen könnten.

Allerdings muss im Rahmen der EU in diesem Zusammenhang der Vergleich mit dem Verkehr auf der Strasse und auf dem Wasser erlaubt sein.

Im Straßenverkehr sind auch im gewerblichen Bereich in Deutschland lediglich Untersuchungen in medizinischer Hinsicht – vergleichbar dem Medical – vorgesehen.

Im Schiffsverkehr gibt es Prüfungen wohl ansatzweise im gewerblichen Bereich. Der Private Verkehr ist sowohl auf dem Wasser wie auch auf der Strasse nach Erwerb der Lizenzen von solchen Prüfungen komplett ausgenommen.

Demzufolge ist nicht nach zu vollziehen, warum der **private** Luftverkehr solchen Überprüfungen unterworfen werden soll.

Um die Sicherheit auf hohem Niveau sicherzustellen haben sich in Deutschland im Rahmen von JAR FCL im privaten Bereich und bei einigen Berechtigungen die Übungsflüge mit Fluglehrer bewährt. Bei diesen Übungsflügen werden die in der basic regulation geforderten Kontrollen sichergestellt.

Sie haben aber den Vorteil, dass der Fluglehrer **im Einzelfall** bestimmen kann, welche für den Piloten sinnvollen Inhalte geübt werden und bei auffälligen Defiziten eventuell nachgeschult werden müssen.

Das hat den Vorteil, dass 1.) die Menge dieser Kontroll- (Übungsflüge) durch viele Fluglehrer und nicht einige wenige Prüfer durchgeführt werden und es beim Durchführen dieser Flüge nicht zu Engpässen kommt.

Ebenso ist die Gleichbehandlung der Bürger der Eu bei der Ausübung des privaten Verkehrs (Land/Wasser/Luft) sichergestellt.

**Vorschlag** : Regelmäßig stattfindende Übungsflüge mit Fluglehrern, die dann als Voraussetzung zur Ausübung der Rechte der Lizenz gelten sollen.

Die Inhalte der Übungsflüge sollten zum Großteil frei wählbar sein, lediglich im Bereich der kommerziellen / gewerblichen Fliegerei sollten die Inhalte definiert

sein und von Prüfern als Checkflüge durchgeführt werden.

Der Fluglehrer sollte ebenfalls – vergleichbar mit den FI der FAA – berechtigt sein, die Ergebnisse des Übungsfluges mit weiteren Auflagen / Nachschulung zu versehen.

### **Proficiency Check (PPL / FI)**

Holders of private pilot licences shall only exercise the privileges of their licence when they passed a proficiency check with an FE. The target is to guarantee a high level of safety for aviation.

Standards for attaining a high safety make sense.

But with reference to the EU we have to compare every kind of traffic – aviation, shipping and at least road traffic.

**Aviation:** In Germany we have check flights and a medical class I for commercial pilots. At present time we have training flights and a medical class II for private pilots.

**Shipping:** In Germany we have checks and a medical examination for commercial transport. But nothing comparable for private activities.

### **Road transport**

In Germany the commercial drivers need a medical examination but after getting their drivers licence they do not have to pass a check.

Private drivers do not need a medical and after passing the driving test there are no more checks prescribed.

Therefore it is not understandable why private pilots have to pass proficiency checks regularly. (Ungleichbehandlung / discrimination of private aviation)

To guarantee the safety of aviation it is necessary to define standards.

In Germany we have good experience with the prescribed training flights with flight instructors. These flights can be conducted by all flight instructors and concerning to each individual case special procedures can be practiced by the pilots.

**Advantage :** the number of flight instructors guarantee that the flights can be conducted when necessary, there is no staff shortage. Pilots can practice their special needs

**Proposal :** for private pilots licences proficiency checks shall be replaced by training flights with a flight instructor.

These training flights shall be conducted by flight instructors and not by flight examiners.

The pilot and the flight instructor shall be able to choose the contents of these training flights.

For commercial pilots proficiency checks / check flights shall be conducted with prescribed contents ( like before)

response

*Noted*

Please see the reply to comment 115 above.

comment

2565

comment by: *CAA Belgium*

§b,1,(ii)

Questions :

1) Who revalidates the SE class rating of a pilot who satisfied to the requirements of this § b (1)(ii)

	<p>2) If that pilot comes to the competent authority e.g. three/five/eleven months after the expiry date of his SE class rating (he met the requirements of §b(1)(ii) at the expiry date but no longer at the date he comes to the competent authority): what should be done ?</p>
response	<p><i>Noted</i></p> <p>1) The Authority will revalidate, based on the demonstration that the pilot has complied with the requirements. see dedicated paragraphs in Part-AR, Subpart FCL, Section 2.</p> <p>2) In principle, the Authority should revalidate the rating. The new period of validity should be counted from the expiry date. The Authority should also check that the pilot has not flown during the period while his/her rating was, at least formally, not valid anymore.</p>
comment	<p>2602 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>(a)(4). Replace "shall" by "may". Reason: this cannot be an obligation.</p>
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>
comment	<p>2638 <span style="float: right;">comment by: <i>Günter Lorenz</i></span></p> <p>Auf eine Prüfung alle 6 Jahre muß verzichtet werden, da der 1-stündige Überprüfungsflug durch Fluglehrer ausreicht. Ältere Piloten sich sowieso zurücknehmen von komplizierten Flugaufgaben. Es gibt in unserem Verein regelmäßig Sicherheits-Veranstaltungen. Der Verein, personifiziert durch den Vorstand, als Halter der Flugzeuge, achtet auf guten Kenntnis- u. Trainingsstand der Piloten. Obwohl unser Platz im Nahverkehrsbereich Nürnberg liegt, gab es in den letzten Jahren nie irgendwelche Vorkommnisse mit Luftraum oder anderem Verkehr.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>2755 <span style="float: right;">comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></span></p> <p>FCL 740 A (b) (2) : FFA draws the attention on the impact of such a rule which would induce a need for an unrealistic large number of FEs. Therefore, FFA could accept this rule provided that a new category of FEs is created, namely FEs holding a PPL (instead of a CPL). Otherwise, the situation of our 43,000 pilots would be soon unbearable. See below comments on FCL 1010 FE.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>

comment	<p>2757 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p>FCL 740 A (b) :</p> <p>In line with the step-by-step system, FFA proposes to add a rule concerning the aging pilots who do not meet the revalidation or renewal requirements applicable to the SEP class rating.</p> <p>These pilots should be offered by the NSA or the examiner to get a LPL or a Basic LPL provided they meet the relevant recency requirements detailed under FCL 140 A.</p>
response	<p><i>Not accepted</i></p> <p>The Agency is not convinced that pilots who do not meet the revalidation or renewal requirements should not be allowed to try again.</p> <p>Furthermore, if those pilots comply with the requirements for the issue of the LPL, they will simply need to apply for it.</p>
comment	<p>2916 comment by: <i>AECA(SPAIN)</i></p> <p>(a)(2)(ii) to be added : "This route sector may be flown during the profcheck."  (b)(3) second line reference is missing. Should be "<i>the requirements of the paragraph (1) above</i>"</p>
response	<p><i>Partially accepted</i></p> <p>The text will be amended to avoid misinterpretations.  The error will be corrected.</p>
comment	<p>2918 comment by: <i>AECA(SPAIN)</i></p> <p>a)(4).  Replace "shall" by "may".  Justification: this cannot be an obligation.</p>
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>
comment	<p>2974 comment by: <i>BMVBS (German Ministry of Transport)</i></p> <p>FCL.740.A: The additional FE proficiency check as in (b)(2) should be deleted. The provisions of (b)(1) as already in JAR-FCL have proven to be sufficient in terms of risk mitigation. The additional prof. check appears to be merely created in order to provide more work for the newly created "profession" of certified Flight Examiner, and is not founded on evidence that suggests that safety levels are insufficient. It should be kept in mind, however, that this "lower end" of aviation is extremely susceptible to cost increases. And even though this additional prof. check applies at 6 years intervals only, it is still an additional but unwarranted burden.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>2979 comment by: <i>Herbert Sigloch</i></p>

	<p>To (b)(1)(ii):  .....  - 6 hours as <u>steering</u> pilot-in-command  (flight instructors are pilots in command, but mostly do not steer; however they should have some flight time as steering pilot).  To (b)(2): No periodical proficiency check</p>
response	<p><i>Noted</i></p> <p>In relation to your proposal on (b)(1)(ii), the Agency does not agree with your proposed addition. The text follows JAR-FCL and the Agency does not intend to change it at this time.</p> <p>In relation to your second comment, please see the reply to comment 115 above.</p>
comment	<p><b>2981</b> <span style="float: right;">comment by: <i>Heinrich Nagel</i></span></p> <p>Problem:  Bei der Verlängerung von Single-Pilot/Single-Engine Class Ratings werden im EASA-Entwurf Flugzeiten, Starts und Übungsflüge auf <b>Ultraleicht-Flugzeugen</b> nicht berücksichtigt.  Flugzeiten, Starts und Übungsflüge auf <b>TMG's</b> (touring motor glider) werden bei der Verlängerung von SEP ( Single engine piston) class ratings berücksichtigt. Tatsächlich ist es aber so, dass die flugtechnischen Eigenschaften moderner aerodynamisch 3-achs-gesteuerter Ultraleichtflugzeuge näher an denen der SEP-Flugzeuge liegen als die der TMGs.  Bei der Verlängerung des deutschen nationalen PPL werden daher auch Flüge auf UL's angerechnet.  Neben den oben geschilderten flugtechnischen Aspekten kommt hinzu, dass sich der Bereich der Ultraleichtflugzeuge gerade in Europa vielversprechend entwickelt, und unter wirtschaftlichen und besonders ökologischen Aspekten gefördert werden sollte.  Vorschlag:  Zusätzlicher Absatz FCL.740.A (b)(5)  Die unter FCL.740.A (b) geforderten Flugzeiten, Starts und Übungsflüge können ersatzweise auf aerodynamisch gesteuerten Ultraleichtflugzeugen erbracht werden.</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your comment. However, it has to be reminded that the proposals contained in NPA 2008-17 are not ment to be applicable to ultra-light aircraft. In fact, these aircraft are excluded from the applicability of the Basic Regulation, in accordance with article 4/4 and paragraph (e) of Annex II thereof.</p>
comment	<p><b>3061</b> <span style="float: right;">comment by: <i>Peter SCHMAUTZER</i></span></p> <p>The regulation should be changed insofar as the proficiency check has to be performed three months immediately preceding the expiry dates or three months after expiry date of the rating.</p>
response	<p><i>Not accepted</i></p> <p>By definition of a revalidation, the proficiency check must be made before the expiry date.</p>

comment	<p data-bbox="351 235 422 280">3135</p> <p data-bbox="1141 235 1444 280">comment by: <i>Jim Ellis</i></p> <p data-bbox="351 291 1444 757">The proposed requirement for a proficiency check on every third revalidation of a SEP S/E rating is unnecessary. I question whether there is any evidence that this is required and/or that the current system of revalidation by proficiency check is not working satisfactorily. I do not believe that a flight safety case has been made out to justify altering the present system. I recommend withdrawing this requirement and retaining the current system. Furthermore I do not see why a proficiency check (for those not revalidating by experience) should need to be with an examiner and recommend that an instructor be allowed to carry out this task. The applicant will previously have passed a test with an examiner for the issue of the licence and it is over-burdensome to require an examiner's further input upon revalidation. (If the proficiency check every 3rd revalidation is to be introduced, which I don't think it should be, then at least it should be allowed to be with an instructor, not an examiner.)</p>
response	<p data-bbox="351 761 438 795"><i>Noted</i></p> <p data-bbox="351 817 957 862">Please see the reply to comment 115 above.</p>
comment	<p data-bbox="351 907 422 952">3197</p> <p data-bbox="1021 907 1444 952">comment by: <i>Susana Nogueira</i></p> <p data-bbox="351 963 782 1041">(a)(4) Replace 'shall' by 'may'. Justification: is not compulsory.</p>
response	<p data-bbox="351 1052 478 1086"><i>Accepted</i></p> <p data-bbox="351 1108 869 1153">The text will be amended accordingly.</p>
comment	<p data-bbox="351 1198 422 1243">3255</p> <p data-bbox="1053 1198 1444 1243">comment by: <i>PPL/IR Europe</i></p> <p data-bbox="351 1254 1444 1456">We are aware of the background to this Implementing Rule in 1.e.2 of Annex III of the Basic Regulation: <i>1.e.2. An appropriate level of competence in practical skill must be maintained. Compliance must be demonstrated by regular assessments, examinations, tests or checks. The frequency of examinations, tests or checks must be proportionate to the level of risk associated with the activity.</i></p> <p data-bbox="351 1478 1444 1680">In respect of FCL740.A.(b).(2), we note that this is a new requirement, with no precedent under JAR-FCL, or under any other regulatory regime we are aware of. We note the wording of the BR Annex III includes "<i>demonstrated by regular assessment</i>". In light of the "<i>risk associated with the activity</i>", we do not believe this imposes a requirement for proficiency checks - we believe flight instructors should be able to conduct "assessment".</p> <p data-bbox="351 1702 1444 1937">Although, in principle, (b).(2) does not appear excessively onerous (since it applies once every 6 years) and although we are very much in favour of recurrent training, this proposal does concern us. We have to recognise that JAR-FCL for private General Aviation was, in its entirety, excessively onerous. This is not the result of any individual "silver bullet", but the compound effect of many individual elements that, in of themselves, do not seem excessive. For the EASA PPL, almost all of the JAR-FCL requirements are retained in the NPA.</p> <p data-bbox="351 1960 1444 2009">The proposal to require a Proficiency Check every six years does not, we</p>

believe, have any evidence or analysis to support it. We suspect it was a regulation created by a committee on the basis "that it seems like a good idea". We are strongly oppose the ratcheting-up of regulation in this way, in principle. We do not feel that this proposal will have any material safety benefit and the following disadvantages:

- it makes the somewhat complex JAR-FCL rules for SEP Class Rating revalidation more complex
- it introduces yet another multi-year periodic requirement to complicate a PPL's overall compliance
- it uses the blunt instrument of a "Proficiency Check with an Examiner", which we feel is over-used in the European system and sometimes has the effect of suppressing other types of recurrent training, because it drives pilots to focus on "compliance" rather than skills development and safety
- perhaps, worst of all, it will add to the perception that EASA FCL, despite making "noises" about good regulation, has continued a European tendency to over-regulation and gold-plating.

We have the following three proposals:

1. Delete para (b).(2) of FCL740.A (our preference)

2. Alternatively, add the following wording to the end of the sentence "*or complete an approved method of recurrent training*"

This will allow AMCs to be developed that are more flexible than a one-size-fits-all Proficiency Check, and might encourage more innovative types of recurrent training. This would also conform to the spirit of avoiding new, prescriptive regulation in the IRs. It might permit, for example, a 2-3 hr course of ground and flight training analogous to the FAA Flight Review. It is essential that this is something which could be conducted by an independent instructor, to avoid locking all recurrent training into approved organisations.

3. If (b).(2) is retained, add the words "*Applicants shall be exempted from this requirement if they have passed a proficiency check or skill test in any other class or type of aeroplane in the prior 12 months*". We believe that pilots who maintain currency through other means (eg. Pilots in Commercial Ops, PPLs revalidating an MEP Class Rating every 12 months) do not need a SEP proficiency check every 6 years.

response

*Noted*

Please see the reply to comment 115 above.

comment

3372 ❖

comment by: *Richard DUMAS, PPL(A)*

### **Retirer l'exigence (b) (2)**

1. Cette exigence n'est pas logique :

- si l'EASA juge trop légères les conditions actuelles de prorogations, qu'elle propose alors de les renforcer, par exemple en ajoutant au vol d'entraînement avec un FI un briefing - façon BFR FAA - ou en permettant au FI de prescrire un ré-entraînement ;
- sinon, pourquoi et comment un pilote jugé alors apte pendant 6 ans - via 2 revalidations selon l'exigence (b) (1) (ii) – deviendrait-il au-delà de la 6<sup>ème</sup> année subitement inapte en remplissant cette seule exigence ?

2. Cette exigence va être très pénalisante à mettre en œuvre :
- Elle va coûter cher, d'autant que l'offre ne va pas suivre la demande (cf. infra)
  - Sa mise en œuvre est difficile : par exemple, pour ~ 30.000 PPL(A) actifs en France, cela fait ~5.000 tests à faire passer par an. Or, la DGAC faisait état de 2.200 à 2.300 PPL(A) délivrés par an vers 2002-2003. Pour avoir la même (faible) flexibilité qu'aujourd'hui, il faudra donc **augmenter de 150% le nombre de FE**. En plus, il aura une vague de 30.000 tests à faire passer entre 2014 et 2015 (= 2009 + 5 ou 6 ans)
3. Si le nouveau théorique PPL(A) - inutilement plus fouillé que sa version JAR.FCL - était entériné par L'EASA, l'exigence (b) (2) permettra alors de fait de ne pas revalider le PPL(A) de n'importe quel pilote qui - au plan théorique - aura uniquement fait l'effort de se tenir correctement au courant des évolutions techniques et réglementaires.  
*Hors le 3), ce commentaire s'applique à l'ensemble des licences privées et de loisir*

response *Noted*

Please see the reply to comment 115 above.

comment 3398

comment by: *Markus Dold*

it must be enough that a private pilot has to have 12 landings and takeoff and 12 hours flight time with 6 hours pic in the last 12 years.

to have every third revalidation a proficiency check with an examiner is too much regularity. so much paperwork to notice and another type of new costs for the pilot.  
i reject this.

response *Noted*

Please see the reply to comment 115 above.

comment 3470

comment by: *Deutscher Aero Club (DAeC)*

DAeC does not agree with the time period for the performance of a Prof-check in a three months time period before expiry of the licence if the applicant was not able to fulfil the requirements given under (ii).

DAeC proposes that the period preceding the expiry date should be 12 months.

response *Noted*

Please see the reply to comment 168 above.

comment 3575

comment by: *Swiss Power Flight Union*

(b) (2)

Delete: (2) For at least every third revalidation, the applicant shall comply with the requirements in (1) (i)

Reason: The existing scheme with JAR FCL has proved itself.

response *Noted*

Please see the reply to comment 115 above.

comment **3806** comment by: *DGAC FRANCE*

740.A (c)

This is in line with wording expressed in Appendix 12 §9 (Prof Check).

Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!

4 times, text should read as followed :

(c) An applicant who fails to ***achieve a*** pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.

response *Partially accepted*

The text will be amended accordingly.

comment **3821** comment by: *DGAC FRANCE*

FCL.740.A (a) (4)

This figure is not mandatory as expressed in FCL.625.A and FCL.625.H !

There is a choice possible according to § 2 and flexibility proposed in FCL.625.A (a) § 3.

(4) The revalidation of an IR(A), if held, ***may*** ~~shall~~ be combined with a proficiency check for the revalidation of a class or type rating.

response *Accepted*

The text will be amended accordingly.

comment **4035** comment by: *phil mathews*

A good move to have a test from time to time

response *Noted*

Please see the reply to comment 115 above.

comment **4098** comment by: *SFVHE*

**Altes Recht wird hier beschnitten; Ein Überprüfungsflug mit Fluglehrer (1 Std.) genügt, um die weitere Tauglichkeit festzustellen bzw. Lizenzverlängerung zu bewirken.**

response *Noted*

Thank you for your comment. Please refer to the response given to comment no 930 in this segment.

comment **4118** comment by: *Bernd Hein*

	Beschneidung von "grand-father-rights" nach internationalem Rechtsverständnis nicht möglich. F I hat die - viel höhere - Verantwortung für die Ausbildung, daher sollte er auch die Kompetenz für die Verlängerungsbedingungen haben.
response	<i>Noted</i> Please see the reply to comment 115 above.
comment	<b>4150</b> comment by: <i>Elmar KUEMMEL</i> Erneuerung: Auffrischung mit oder unter Aufsicht eines FI  Ablehnung wegen Beschneidung der Altrechte; Eine Flugstunde mit Fluglehrer ist ausreichend.
response	<i>Noted</i> Please see the reply to comment 115 above.
comment	<b>4200</b> comment by: <i>SFG-Mendig</i> Vgl. analoge Kommentierung zu Checkflügen mit examiner. Grundsätzlich erscheinen Übungsflüge mit Fluglehrern völlig ausreichend, sollte an Prüfungsflügen mit examinern festgehalten werden müssen, dann müssen die Voraussetzungen für examiner entsprechend reduziert werden, damit in jedem Verein mehrere examiner verfügbar sind. Die Kosten für den examiner müssen auf ein absolutes Minimum reduziert werden.
response	<i>Noted</i> Thank you for your comment. Please refer to the response given to comment no 930 in this segment.
comment	<b>4306</b> comment by: <i>Baden-Württembergischer Luftfahrtverband</i> FCL.740.A(b)(1)(ii) <b>Wording in the NPA</b> (ii) within the 12 months preceding the expiry date of the rating, complete 12 hours of flight time in the relevant class, including: 6 hours as pilot in command; 12 takeoffs and 12 landings; and a training flight of at least one hour with a flight instructor (FI) or a class rating instructor (CRI).  <b>Our proposal</b> <b>Add:</b> (b)(5) holders of a sailplane license or a license for 3 axis controlled micro lights will be credited up to 6 hours flight time, 3 hours pilot in command and 6 takeoffs and landings against (b)(1)(ii) for flight time on sailplanes or 3 axis controlled micro lights in the 12 months preceding the expiry date.  <b>Issue with current wording</b> Pilots of sailplanes or 3 axis controlled micro lights should be treated differently than pilots flying only SEP or TMG.

	<p><b>Rationale</b> The required skill sets for aeroplanes, sailplanes and 3 axis controlled micro lights are extremely similar. Crediting must be proportionate to the skill gap. See detailed rational in our general <b>comment 3250 Nr. 2 and 3</b></p>
response	<p><i>Not accepted</i></p> <p>This requirement is considered to be in the category and class of aircraft. Such credits, as the one proposed in the comment, haven't been assessed so far. You may wish to make a rulemaking proposal with the relevant assesment. However, it has to be reminded that Part-FCL is not meant to be applicable to ultra-light/micro-light aircraft. In fact, these aircraft are excluded from the applicability of the Basic Regulation, in accordance with article 4/4 and paragraph (e) of Annex II thereof.</p>
comment	<p>4307 <span style="float: right;">comment by: <i>Baden-Württembergischer Luftfahrtverband</i></span></p> <p>FCL.740.A(b)(2) <b>Wording in the NPA</b> (2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i).</p> <p><b>Our proposal Change:</b> (2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i) <b>or comply with the requirements in (1)(ii) but instead of the training flight conduct a check flight of at least 1 hour with an instructor.</b></p> <p><b>Issue with current wording</b> It is neither proportionate nor feasible to require examiners to conduct the regular checks required by the basic regulation.</p> <p><b>Rationale</b> Many more examiners would be required and costs would go up as the required number of examiners could not be recruited from the non commercial flying community and costly commercial examiners would have to be used. As discussed in <b>comment 3250 Nr. 5</b> it is not mandatory by the basic regulation that these checks are conducted by examiners. The check flight would typically run through the proficiency check program in appendix 9.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>4374 <span style="float: right;">comment by: <i>DC-AL</i></span></p> <p>We very much approve of the requirement for test at least every 3 revalidations. However, in many cases the Proficiency check or skill test referred to in (b) (1) (ii) may be relevant enough to obviate the need for this extra proficiency Check. I assume that a Skill Test for the renewal of an FI qualification would count as a Proficiency Check for (b)(1)(i).</p>
response	<p><i>Noted</i></p>

Please see the reply to comment 115 above.

comment 4595 comment by: *Deutscher Aero Club*

FCL.740.A (b) (1) (i) "within the three months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner; or"

Comment: EGU does not agree with the three months "window" before expiry of the licence if the applicant was not able to fulfil the requirements given under (ii).

EGU proposes that the period preceding the expiry date should be 12 months and that the check should be performed by a LAFI or FI.

Justification for this is, that gliding is a seasonal activity, highly weather dependent, and particularly in northern Europe with restricted daylight hours and therefore, there is not the capacity at all clubs or in all countries to meet this requirement. A flight instructor will be able to validate the maintained skills of the applicant and no further financial burden will be generated. EGU does not anticipate any decrease in safety if the check is performed by a flight instructor. See also comment against FCL 140 S re roles of instructors and examiners in gliding.

EGU Proposal:

(j) "within the twelve months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an instructor; or"

response *Noted*

Please see the reply to coment 168 above.

comment 4741 comment by: *CAA Belgium*

FCL.740.A(a)(4)

This states that the revalidation of an IR(A), if held, shall be combined with a proficiency check for the class/type rating. This seems very rigid. One example: A pilot holds a B737 type rating, with an IR(A), and also a single engine piston class rating. According to this para, he/she has to revalidate the IR(A) when revalidating the SEP class rating, even if he/she has no intention of ever flying IR in a SEP. This para is also in contradiction to FCL.625.A(a) where it is drawn up how to do combined revalidations, and how to revalidate the IR(A) separately. Either FCL.740.A(a) or FCL.625.A(a) has to be modified to be in line with the other.

response *Noted*

The text has been amended in acordance with your comment above on the same issue.

comment 4798 comment by: *Flight Training Europe*

Page 37, FCL.740.A (a) (4)

Due to weather, ATC or operational constraints it may not always be possible to complete the IR(A) revalidation with the class rating revalidation. Change paragraph (a) (4) to read:

**The revalidation of an IR(A), if held, shall, where possible, be combined with a proficiency check for the revalidation of a class or type rating.**

response *Partially accepted*

The text will be amended to change the obligation into a possibility.

comment **4988** comment by: *ECA- European Cockpit Association*

Comment: add at the end of paragraph (a)(3):

(a) Revalidation of type ratings and multiengine class ratings. For revalidation of type ratings and multiengine class ratings, the applicant shall:

(3) A pilot working for a commercial air transport operator that has passed the operators proficiency check combined with the proficiency check for the revalidation of the type or class rating shall be exempted from complying with the requirement in (2), in compliance with Part OPS.

Justification: The requirement was to be in compliance with JAR-OPS, so the operation is always under our own regulation, not under third countries' one. There is no assurance that those hours have been flown under certain safety requirements.

response *Partially accepted*

The text will be amended accordingly.

comment **5121** comment by: *Allen A.*

SEP & TMG class rating: Da die Klassenberechtigung 24 Monate gültig ist, sollten die Flugstunden auch in dieser Zeit erflogen werden können. Dies vereinfacht den Aufwand der einzelnen Privatpiloten.

Vorschlag: Änderung von 12 Monate auf 24 Monate.

response *Noted*

Thank you for your comment. Please refer to the response given to comment no 930 in this segment.

comment **5122** comment by: *Allen A.*

Es sollten die Flugstunden für Inhaber beider Klassenberechtigungen (TMG & SEP) auch auf beiden Klassen zusammen erflogen werden können. Dies vereinfacht den Aufwand der einzelnen Privatpiloten.

Vorschlag: Ersetzen von „the relevant class“ durch „both classes“.

response *Noted*

Thank you for your comment. Please refer to the response given to comment no 930 in this segment.

comment **5123** comment by: *Allen A.*

Ein Trainingsflug alle 24 Monate und ein Proficiency Check alle 72 Monate ist deutlich zu viel, da der Aufwand, sowohl finanziell als auch bürokratisch, zu hoch ist.

Vorschlag: Proficiency Check durch Fluglehrer (FI oder CRI) alle 24 Monate und

response	<p>Erhöhung der Mindestflugstunden, um das Sicherheitsniveau zu erhöhen.</p> <p><i>Noted</i></p> <p>Thank you for your comment. Please refer to the response given to comment no 930 in this segment.</p>
comment	<p><b>5124</b> <span style="float: right;">comment by: <i>Allen A.</i></span></p> <p>Frage: Werden Flugstunden auf Flugzeugen, die im Annex II aus der EASA Verantwortung ausgeschlossen sind, anerkannt? Vorschlag: Aufnahme der Flugstunden auch für Flugzeuge, die in Annex II gelistet sind.</p>
response	<p><i>Noted</i></p> <p>Thank you for your comment. Please refer to the response given to comment no 930 in this segment.</p>
comment	<p><b>5161</b> <span style="float: right;">comment by: <i>Werner LADNER</i></span></p> <p>Refer to FCL.740.A (b)(2) The proficiency check every third revalidation creates too much bureaucracy. This rule is against the main intention not to create more bureaucratic obstacles. In Germany there are not enough examiners to check all the pilots. Extending the number of available examiner personnel is difficult and increases costs. Besides, a proficiency check with an examiner will not give more safety. In accordance to (b)(1)(ii) pilots have to pass a training flight with a flight instructor every 2 years. This is practiced to licence JAR-FCL PPL(A) in Germany since 2003. Not only flight instructors but also pilots are convinced by such a system of training flights. The opportunity is that the training flight can relayed on the pilot's requirements. The past affirms that this flight is sufficient to check the skills of pilots. Subsequently, the proficiency check with an examiner is not necessary and creates only additional costs without gaining safety.</p> <p>The skill sets for aeroplanes, TMG, 3-axsi control microlights or sailplanes. Flight time of these planes should be credited.</p> <p><b>I propose</b> <b>(b)(2): to delete without replacement.</b></p> <p><b>I propose to add.</b> <b>(b)(5): holders of a licence sailplane or 3-axsi control microlight will be credited up to 6 hours flight time the last 12 month on flight time of sailplanes or 3-axis control microlights.</b></p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p><b>5196</b> <span style="float: right;">comment by: <i>Carsten Fuchs</i></span></p> <p><b>Der Prüfungsflug ( Satz (b) (2) ) alle 6 Jahre sollte komplett gestrichen werden!</b></p>

Begründung:

Vor JAR-FCL haben die Piloten in Deutschland ihre Berechtigungen im wesentlichen nur auf der Basis von Flugzeiten verlängert, d.h. sie mussten nach ihrem Prüfungsflug unter günstigen Umständen nie mehr einen Fluglehrer sehen.

Ob gut oder schlecht - es hat funktioniert.

Mit JAR-FCL 1 haben sich die nachzuweisenden Mindest-Flugzeiten verändert und es kam der einstündige Übungsflug mit Fluglehrer hinzu.

**Nach meiner Erfahrung hat sich das bestens bewährt!**

Fast jedes Mal sagt mir der Pilot nach dem Flug: "*Gut das wir das und das mal gemacht haben, das habe ich schon lange nicht mehr gemacht!*"

Der Vorteil beim Übungsflug ist, dass man gezielt Schwächen suchen **und beheben** kann!

Die Piloten haben da auch das Vertrauen zu sagen "Übung XY mache ich nicht gern", "neulich ging mir das und das daneben usw."

Bei einem Prüfungsflug dagegen ist jeder froh wenn er ruhig sein kann und "durchkommt".

Zudem entsteht, falls 2012 die EASA Scheine ausgegeben werden, in den Jahren 2018, 2024, usw. ein "Hotspot": Wo kommen dann genug Prüfer für alle her? Was passiert eigentlich wenn man durchfällt?

Alternativ-Vorschlag:

Streichen Sie Satz (b) (2), d.h. den Prüfungsflug alle 6 Jahre.

Stattdessen z.B. (ausnahmsweise ;-)) **höhere Flugstunden plus den Übungsflug mit Fluglehrer** verlangen.

Teil (b) (1) (ii) könnte also lauten:

*(ii) within the **24 months** preceding the expiry date of the rating, complete **40 hours** of flight time in the relevant class, including:*

- ***20 hours** as pilot in command;*
- ***40 takeoffs and 40 landings;** and*
- *a training flight of at least one hour with a flight instructor (FI) or a class rating instructor (CRI). Applicants shall be exempted from this flight if they have passed a proficiency check or skill test in any other class or type of aeroplane.*

Ggf. kann man natürlich Zeitraum (24 Monate) und Zahlen (20, 40) halbieren, auch wenn das nicht "äquivalent" ist.

response

Noted

Please see the reply to comment 115 above.

comment

5253

comment by: CAA Belgium

FCL.740.A (a) (4)

This figure is not mandatory as expressed in FCL.625.A and FCL.625.H !  
There is a choice possible according to § 2 and flexibility proposed in FCL.625.A (a) § 3.

(4) The revalidation of an IR(A), if held, **may** ~~shall~~ be combined with a proficiency check for the revalidation of a class or type rating.

response	<i>Accepted</i> The text will be amended accordingly.
comment	5704 <span style="float: right;">comment by: UK CAA</span> <b>Paragraph:</b> FCL.740.A – Revalidation of class and type ratings-aeroplanes <b>Page No*:</b> 37 of 647 <b>Comment:</b> Paragraph (c) states that an applicant who fails to pass the proficiency check before the expiry date shall not exercise privileges until the proficiency check has been passed. There should be a reference to FCL.740 because this additionally requires the applicant to complete refresher training through an approved organisation. <b>Justification:</b> Clarification
response	<i>Not accepted</i> This would be an additional requirement for a revalidation, since the refresher training required by FCL.740 is meant for renewals.
comment	5706 <span style="float: right;">comment by: UK CAA</span> <b>Paragraph:</b> FCL.740.A(a)(1) <b>Page No:</b> 37 of 647 <b>Comment:</b> The wording precludes the conduct of a proficiency check in a FSTD <b>Justification:</b> The paragraph requires that the proficiency check should be passed in the relevant type or class of aeroplane and does not refer to a FSTD. The wording of FCL.740.A(a)(2)(ii) suggests that if a FSTD is an option then it is specifically stated. <b>Proposed Text: (if applicable)</b> pass a proficiency check in accordance with Appendix 9 to this Part in the relevant type or class of aeroplane or FSTD, within the three months immediately preceding the expiry date of the rating.
response	<i>Accepted</i> Text will be amended accordingly.
comment	5709 <span style="float: right;">comment by: UK CAA</span> <b>Paragraph:</b> FCL.740.A(a)(4) <b>Page No:</b> 37 of 647 <b>Comment:</b> The wording, in combination with FCL.740.A(a)(1) precludes the renewal of an IR(A) in a FSTD. Amendment of FCL.740.A(a)(1) will address this comment. <b>Justification:</b> If the wording of FCL.740.A(a)(1) precludes the use of a FSTD for the type rating proficiency check and the IR(A) must be combined with that proficiency check then use of the FSTD is precluded for revalidation of the IR(A).
response	<i>Noted</i> Please see the reply to your comment 5706 above.
comment	5773 <span style="float: right;">comment by: Royal Danish Aeroclub</span>

Proficiency check should be done with a examiner **or a flight instructor**.

therefore, we suggest the text in FCL.740.A (b) (1) (i) to read:

"within the three months preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner **or flight instructor**; or"

See Cmt# 3435.

response *Not accepted*

The Agency considers that the text of article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.

comment **6416**

comment by: *DCAA*

FCL.740A (b) (1) (ii)

The content of the 1 hour training flight shall be specified. The content should be as the Proficiency Check for the class.

Comment: Since the introduction of the 1 hour flight with an instructor the content on this 1 hour has been discussed. It is up to the individual instructor to determine the content. Some are doing almost nothing and some are using the Proficiency Check content. The JAA Type Rating Steering Group has made a proposal for the content.

response *Partially accepted*

The Agency does not oppose guidance to be given regarding the one hour flight. However, defining the content of this guidance should be a separate rulemaking task. You may wish to make a proposal for a rule amendment.

comment **6447**

comment by: *CAA Finland*

FCL.740.A(a)(2)(ii):

Amended text proposal:

(ii) 1 route sector as pilot of the relevant type or class of aeroplane or FFS, flown with an **instuctor or examiner and shall be entered in the pilot's logbook or equivalent document and signed by the instructor or examiner as appropriate.**

response *Not accepted*

This route sector shall be flown with an examiner. The comment does not give justification for replacing the examiner by an instructor. The examiner will be able to provide evidence of this route sector flown.

comment **6486** ❖

comment by: *IAOPA Europe*

The requirement that a pilot must pass a proficiency check with an EXAMINER every 6 years should not apply for the LPL and PPL and for the class rating for a SEP. The option to do a training flight with an instructor is preferable for the non-professional pilot, since it actually gives the pilot training and upgrades or helps maintain his skills.

The normal atmosphere in a checkride situation does nothing to improve the pilots flying skills or knowledge. On the contrary, the pilot will typically refrain from asking questions and touch subjects where he knows that he has weaknesses.

If a check is regarded as necessary in order to satisfy the basic regulation, it is proposed to combine it with a training flight, that may be conducted by the FI or LAFI, and where the instructor by the end of the flight will pass or fail the pilot based on the same objective criteria as the proficiency check.

Training flights with instructors as introduced under JAR-FCL are fully sufficient for fulfilling the requirements of the Basic Regulation.

The Basic Regulation in its respective Annex III 1.c.2. and 1.e.2. doesn't require Proficiency checks from Examiners, but regular "assessments, examinations, tests or checks". Assessments or checks can of course be conducted by Flight Instructors. Considering that a flight instructor is authorised to send a student solo, it should be obvious that s Flight Instructor is able to assess the if a pilot operates safely.

If the Agency believes that training flights with flight instructors were to an unacceptable degree not conducted as intended by the authorities, appropriate measures have to be taken to assure the desired quality of future training flights. Flight Instructors could be required to follow an official checklist of required exercises and to sign that all exercises were performed by the applicant in an acceptable way. Such a checklist could also be used for checking the theoretical knowledge of the applicant.

If a proficiency check with an examiner is maintained IAOPA fears that this will create a mental barrier for a number of non-professional pilots and push people out of General Aviation. Feedback from IAOPA members shows that many pilots regard the introduction of Proficiency Checks as a signal of severe mistrust and that they are rather willing to give up flying than to undergo these proficiency checks.

It is also unclear where the high number of required Examiners could come from, a new dangerous bottleneck would be created.

response

*Noted*

Please see the reply to comment 115 above.

comment

6541

comment by: *Luftfahrtbehörde Schleswig-Holstein Landesbetrieb Straßenbau und Verkehr*

Voraussetzung der Verlängerung der SEP ist u. A. „*a training flight of at least one hour with a flight instructor*“.

Um sicherzustellen, dass der Fluglehrer auch die Kompetenz hat festzustellen, dass der Bewerber den Fluganforderungen genügt/nicht genügt, sollte (sprachlich) formuliert werden, dass der Übungsflug nicht nur „mit“, sondern „unter Aufsicht“ des Fluglehrers erfolgt.

Vorschlag:

(b) (1) (ii) 3. Spiegelstrich

„*a training flight of at least one hour **under the survey of a flight instructor** [...]*“

response	<i>Not accepted</i>
	The Agency acknowledges your comment. However it does not consider that there is a further clarification needed as the reference to the 'training flight' which has to be done 'with a flight instructor' implies already the fact that the oversight of this flight is included in the competency of the FI.
comment	6570 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span>
	Paragraph b)2). The LAA is concerned that such a rule amendment would induce a need for a greater number of FEs. A new category of FE could be created, namely FEs holding a PPL (instead of a CPL). We would question the need for this requirement and would recommend that line b)2) be deleted. This is in line with existing JAR-FCL revalidation requirements.
response	<i>Noted</i>
	Please see the reply to comment 115 above.
comment	6719 <span style="float: right;">comment by: <i>Dave Puleston</i></span>
	The requirement to fly a 'proficiency check' with an examiner on every third revalidation of a single-engine single-pilot class rating seems rather onerous considering there is already a requirement to fly with an instructor every two years. In the area where I fly most of the examiners are extremely busy and so I believe there will be a shortage of examiners to conduct the flights.
response	<i>Noted</i>
	Please see the reply to comment 115 above.
comment	6825 <span style="float: right;">comment by: <i>UK CAA</i></span>
	<b>Paragraph:</b> FCL.740.A(b)(1)(ii) <b>Page No:</b> 37 of 647 <b>Comment:</b> The substituting proficiency check or skill test should be defined. <b>Justification:</b> If any skill test or proficiency check is accepted as substituting for the 1 hour flight with an instructor, the class rating could be revalidated on the basis of, for example, a proficiency check for a mountain rating, which may be inappropriate. <b>Proposed Text: (if applicable)</b> Applicants shall be exempted from this flight if they have passed a class or type rating proficiency check or skill test in any other class or type of aeroplane.
response	<i>Accepted</i>
	Text will be amended accordingly.
comment	6948 <span style="float: right;">comment by: <i>Austrian Aero Club</i></span>
	<b>FCL.740.A Verlängerung von Klassen- und Musterberechtigungen - Flugzeuge (a) (1)</b> Die Regel sollte dahingehend verändert werden, dass die Befähigungsüberprüfung innerhalb eines Zeitraumes von drei dem Ablaufdatum

	unmittelbar vorangehenden Monaten bis drei Monaten nach dem Ablaufdatum der Berechtigung durchzuführen ist.
response	<p><i>Noted</i></p> <p>The Agency acknowledges your comment. However, as your proposal is not in accordance with JAR-FCL, the Agency will not change the text accordingly.</p>
comment	<p>6950 <span style="float: right;">comment by: <i>Austrian Aero Club</i></span></p> <p><b>FCL.740.A (b) (1)</b>  Der Österreichische Aero Club schlägt vor:  Die Verlängerung einer Klassenberechtigung auf einmotorigen Kolbentriebwerk Flugzeugen sollte durch eine Flugüberprüfung erfolgen, welche alle zwei Jahre durch einen Fluglehrer zu erfolgen hat. Die andere Voraussetzung nach FCL.740 A (b) (1) ist eine unnötige Belastung verbunden mit den Kosten für die Prüfer. Diese Regel wird nicht durch die Grundsatzverordnung gedeckt und wird auch nicht durch die ICAO Empfehlungen gefordert.  Betreffend Annex III 1.e.2. wird festgestellt, dass es regelmäßig Überprüfungen und Tests zu geben hat, um die Qualifikation zu erhalten. Die Art der Voraussetzung, wie sie im FCL.740.A (b) geregelt ist, ist eine unnötige Belastung und verursacht Kosten für die allgemeine Luftfahrt. Die Federal Aviation Regulations, welche in Übereinstimmung mit ICAO sind, verlangen nur eine zweijährige Flugüberprüfung durchgeführt von einem Fluglehrer. Um Kosten zu sparen, schlägt der Österreichische Aero Club vor, dass die Regel so bleiben sollte, wie sie in der JAR-FCL 1 geregelt war und damit den FAR`s entsprechen.</p>
response	<p><i>Noted</i></p> <p>Thank you for your comment. Please refer to the response given to comment no 930 in this segment.</p>
comment	<p>7041 <span style="float: right;">comment by: <i>CAA Norway</i></span></p> <p><b>FCL.740.A(a)(1)</b>  This requires the revalidation to take place within the last 3 months of the validity. This is rigid, if a pilot for any reason wants to revalidate earlier, he/she should have that possibility. Of course, the new expiry date should then be counted from the date of the proficiency check. The only reason the 3 months were introduced in JAR-FCL was to keep the same expiry date, something that is not reflected here. It was never intended – nor serves any logic purpose – to restrict all revalidations to take place within these 3 months.</p> <p><u>This para should read “To keep the same expiry date, a class/type rating shall be revalidated within....”</u>  Then there needs to be inserted a new sentence covering revalidations done prior to these 3 months, resulting in the new expiry date</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 168 above.</p>
comment	<p>7253 <span style="float: right;">comment by: <i>Aero-Club of Switzerland</i></span></p> <p>(b) (2)</p>

	<p>Delete: (2) For at least every third revalidation, the applicant shall comply with the requirements in (1) (i)</p> <p>Justification: The existing scheme with JAR FCL has proved itself.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7306 <span style="float: right;">comment by: <i>Hermann JACOBS</i></span></p> <p>I take objection to the intention in FCL.740.A (b) (2) to introduce a proficiency check with an examiner for every third revalidation of a class rating for single-pilot single-engine class ratings. In my opinion the current rule of having a proficiency check with a Flight Instructor for revalidation already is a good instrument to improve on flight safety, compared to the previous rule requiring flight hours only. The proposed new regulation adds more bureaucracy and will further complicate the rules for general aviation which is in my opinion a vital element of a technology friendly, high-tech business oriented Europe. I doubt also that examiners will be available in sufficient numbers to make this rule executable in a pilot friendly way.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7415 <span style="float: right;">comment by: <i>Prof. Dr. Alexander Bubenik</i></span></p> <p>FCL.740.A (b) (2) For at least ... (1)(i). This provision should not be applied in case of piston aircraft below 2 metric tons! I support the general idea of "skill reviews". But examiner check rides tend to be a bureaucratic and cumbersome method for the VFR-only pilot typically operating single-pilot single-engine piston airplanes. I consider it to be adequate if an sufficient skill level would be endorsed in the licence holders flight log associated with the training flight with a flight instructor (FCL.740.A (b) (ii)).</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7592 <span style="float: right;">comment by: <i>Atlantic Training Support</i></span></p> <p>FCL.740(b)(1) change 'and' to 'or'</p>
response	<p><i>Not accepted</i></p> <p>No justification was given to change 'and' into 'or'.</p>
comment	<p>7786 <span style="float: right;">comment by: <i>European Microlight Federation</i></span></p> <p><i>(b) Revalidation of single pilot single engine class ratings. (2) For at least every third revalidation, the applicant shall comply with the requirements in (1)(i).</i></p>

response	<p>Disagree. The requirement for a proficiency check every 6 years is unnecessary.</p> <p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7795 <span style="float: right;">comment by: <i>Ulrich Ablassmeier</i></span></p> <p>To Revalidation of single-pilot single-engine class ratings:  I have been at a british flight school. More than half of the flight instructors there were examiners as well. In such a flight school it is possible to repeat the examintion every 6 years. But in Germany the flight schools have no examiners. There are only a few examiners at the authorities. The procedure is not practical in Germany.  This regulation is also not sensible. If a pilot is renting an airplan there is always a checkride before he gets the airplane. The fight instructor in this checkride is able the check the proficiency. Therefore a proficiency check with an examiner is not necessary. If a pilot has an own airplane, he is flying so mutch that he does not need a proficiency check.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7823 <span style="float: right;">comment by: <i>Europe Air Sports, VP</i></span></p> <p>EAS agrees to the revalidation requirements in 740 A (b) (1) for the revalidation of single pilot single engine class ratings.  We do not agree with (b) (1) (i) or with(2), the prof check every 6 years. For reasons already expressed, we ask:  1) to amend (i) to read as follows:  (i) within three months preceding.....with an examiner if the conditions in (ii) are not met)  2) to delete (2) completely.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 115 above.</p>
comment	<p>7876 <span style="float: right;">comment by: <i>MOTORFLUGUNION FTO A117</i></span></p> <p><b>Lizenzverlängerung Allgemein im Nichtgewerblichen Betrieb unter 5,7 To Mtow:</b>  <b>Die Anzahl der verlangten Checkflüge/Examinerflüge sind eindeutig zu hoch!</b>  Weder steigt dadurch die Sicherheit noch wird die Unfallhäufigkeit dadurch geringer. Dies ergibt sich sehr eindeutig aus der jahrzehntelang gehandhabten Praxis in den USA (flightrevue)!</p> <p><b>Die Unterscheidung zwischen der privat und gewerblich genutzten Lizenz ist nicht vorhanden.</b>  Die Verschleuderung von Geldmittel und Ressourcen gemäß vorliegendem Entwurf ist für nicht gewerblich fliegende Piloten <b>unverhältnismäßig</b> hoch und nicht gerechtfertigt.  Bei der gewerblichen Anwendung sind die erhöhte Anzahl an Checkflügen</p>

sowieso über die EU-OPS 1 Regelung sichergestellt.

Es ist auch nicht einzusehen, dass man immer in allen Klassen den Checkflug machen soll.

**Vorschlag:** Nur ein flightreview in einer der vorhandenen Klassen mit Fluglehrer.

Die vorgeschlagenen Checkflüge nur gewerblich nach EU-OPS 1.

**Anerkennung von Flugzeiten als 2.Pilot an Bord eines SPA:**

Derzeit werden außerhalb der Ausbildung nur Zeiten als 2. Pilot anerkannt, wenn es sich um ein MPA handelt. Die Klassifizierung der Luftfahrzeuge ist wohl weitgehend vom Hersteller abhängig.

Unabhängig davon erachten wir generell zusätzliche Flüge am Doppelsteuer als wünschenswert und sicherheitsfördernd.

Die derzeitige Regelung, Stunden als 2. Pilot nicht als Flugerfahrung anzuerkennen, wirkt besonders kontraproduktiv. Keiner zahlt für Flugstunden, wenn er keinen Nutzen daraus ziehen kann. Durch Kostenteilung werden erwiesenermaßen mehr Flugstunden geflogen, der Erfahrungsgewinn und die Flugsicherheit gefördert.

Bei mehrmotorigen Flugzeugen wird der Kostenfaktor noch problematischer, da viele Flugzeughalter/Flugschulen aufgrund hoher Kosten die wirtschaftlich erforderliche Mindestflugstundenanzahl nicht erreichen. Viele verlängern aus Kostengründen ihre Lizenzen nicht mehr und die Spirale geht weiter bergab. Ein mehrmotoriges Flugzeug zu betreiben wird immer schwieriger.

Erschwerend ist, dass Versicherungen eine Mindestflugstundenanzahl vorgeben, die weit über den gesetzlichen Erfordernissen liegt, um als PIC fliegen zu dürfen! Niemand wird jedoch ernsthaft bestreiten wollen, dass kein Erfahrungsgewinn eintritt, da so gut wie immer Arbeitsteilung in der Crew erfolgt.

**Vorschlag:** Eintragung der Flugzeiten als 2. Pilot wird gestattet. Anerkennung von 50% der Zeiten als 2.Pilot für die Verlängerung der Berechtigungen im Rahmen der derzeitigen Vorgaben.

**Wasserflugclassrating:**

**Erfahrungsgemäß sind die Möglichkeiten des Wasserflugs in Mitteleuropa im Gegensatz zu Ländern wie Italien oder Skandinavien deutlich geringer. Oft scheitert man an frei zugänglichen öffentlichen Wasserflächen, wie z.B. durch Restriktionen der örtlichen Schifffahrtsbehörden(!), in Österreich durch die OSB (Oberste Schifffahrtsbehörde).**

Aus dieser Problematik heraus ergibt sich nun für einige in Mitteleuropa situierte Wasserflugschulen, entgegen der EU-Gleichheitsprinzipien, die Problematik weitab gelegene Wasserlandeflächen in anderen EU-Staaten nutzen zu müssen, was nicht den Prinzipien der Fairness und Gleichheit entspricht!

**Vorschlag:** Hierzu schlagen wir eine europaweite Regelung über Zugangskriterien und zumindest die Schaffung einer garantiert frei zugänglichen Wasserfläche für Ausbildungs- und Trainingszwecke (in Österreich eignet sich hervorragend die Donau) verpflichtend für jeden Staat vor!

**Revalidation Sea SEP/MEP/SET (land & sea)**

Da die Flugeigenschaften im Streckenflug überwiegend/weitgehend mit Landflugzeugen ident sind, wenn Jemand Land- und Wasserflugzeuge in der

jeweiligen Klasse fliegen darf, so sollte ein Checkflug wahlweise in der einen oder anderen Konfiguration ausreichen, sofern folgende Kriterien erfüllt werden:

**Vorschlag:** Bei Vorhandensein einer entsprechenden Lizenz am Land, sollen bei Wasserflugzeugen folgende Kriterien zur Verlängerung ausreichen:  
 Ausgeübte Praxis am Wasser in den letzten 12 Monaten mit durchgeführten 20 Landungen >Fullstop und/oder Touch&Go < in irgendeiner Klasse flight revue in irgendeiner Klasse mit Fluglehrer die Streckenabschnitte sollen aus vorgenannten Gründen entfallen!

**Proficiency Check on Single Pilot Aeroplanes according to Appendix 3 to JAR-FCL 1.240**

Wie aus dem genannten Formular hervorgeht, sind als Precision Approach nur ILS-Anflüge vorgesehen!

Flugschulen, besonders im Raum großer Flughäfen sind aufgrund des hohen Verkehrsaufkommens im Verkehrsfluss der Airlines nicht gerne gesehen und überdies sind die hohen Gebühren ein Knockoutkriterium für solche Flüge in ganz Europa.

Andererseits ergäbe sich auf vielen kleineren Plätzen, z.B. auf militärisch genutzten, die Möglichkeit ohne erhöhte Kosten Prüfungsflüge abzuhalten. Dort liessen sich z.B. auch PAR-Anflüge durchführen.

Weiter werden gegebenenfalls in naher Zukunft als Precision Approach auch GPS-basierte Anflüge durchführbar sein, bzw. sind die anderen Anflüge nie Prüfungsgegenstand, was bei Änderung auch die Sicherheit durch das Fliegen verschiedener Anflüge heben würde.

**Vorschlag:** Änderung der Formulare: auf Precision Approach allgemein um dem Prüfer Flexibilität bei der Auswahl der Anflüge zu bieten.

**In Punkt 3B.4 soll stehen:**

Präzisions-Anflug bis zur Entscheidungshöhe (DH/A) von 200 Fuß (60 m) oder bis zum Minimum

Englisch: Precision approach to DH/A of 200ft (60 m) or to procedure minima (autopilot may be used to glideslope intercept)

response *Noted*

7876.1 Not accepted: The Agency acknowledges your comment. However the Agency follows closely the provisions of JAR-FCL and your proposal does not cover those provisions. But since many similar comments were received, the Agency is reconsidering part of your proposal. Therefore, please refer to the response given to comment no 930 in this segment.

7876.2 Not accepted: The Agency acknowledges your comment. However the Agency follows closely the provisions of JAR-FCL and the submitted scheme is not in accordance with it. The Agency does not see any surplus in safety in the proposed change of the regulation and therefore decided not to accept your suggestion.

7876.3 Not accepted: In FCL.005 Scope of NPA 2008-17 is stated that this Part establishes the requirements for the issue of pilot licences and associated ratings or certificates. Your proposal concerning training areas for sea-ratings is not in this scope.

7876.4 Not accepted: The Agency acknowledges your comment. However it does not consider your proposal as an additional achievement of safety and therefore does not intend to change the text.

7876.5 Noted: The text you proposed is already in the relevant Form and as it was like this already in JAR-FCL 1 the Agency has no intention to change it.

comment

7945

comment by: *Wolfgang Lamminger*

According to today's applicable regulations JAR-FCL 1.245 (c) (1) (ii), the renewal of the single-pilot single-engine class-rating should also in future be carried out only by a training flight or "flight review" with a flight instructor."

The in the NPA mentioned proficiency-check every 6 years/each third period of revalidation

- brings up a needless bureaucracy for the holder
- brings up a needless raise of cost for renewal of the rating
- brings a needless delay for the renewal of the rating, because the current organisation of the local aviation authorities is not almost able to represent the necessary number of Flight-Examiners (FE) and it will not be able to do so in future, because of the relation of the number License holders and Flight examiners. The way, private aviation is nowadays organized in Germany and adjacent countries, is oriented in a considerable extent in voluntary and unsalaried staff.
- does not at all raise safety by carrying out a checkflight every 6 years. In fact, security only can be achieved by practise and training. A checkflight with an "authorized" examiner will never reach the quality of a training within a trustfully "trainer-trainee" relation.
- it is in question, if in areas where today already periodical checkflights for rating prolongation take place, a significant raise of safety is achieved. (e. g. instrument ratings, type ratings), or if not practise and training are exclusive crucial for today's standard.

It is suggested to replace the regulation as follows:

"passed a training-flight of a minimum of 1 hour with a FI(A) or CRI(A) within the last 24 month"

A reduction of the period to the last 12 month would not be suggestiv, because the general validity of the rating is 24 month and different time ranges would be in dissent to the general validity of the rating/license.

Alternatively it could be suggestive to include the requirement of theory training into the regulation as follows:

„passed a training-flight of a minimum of 1 hour and 1 hour ground training with a FI (A) or CRI (A) [...]“

According to the regulations for the renewal of ratings/licenses it has to be referred to the for decades proven praxis of "flight reviews" according FAR-AIM § 61.56.

**It can be assumed, that currently rated and trained flight instructors have the necessary sense of responsibility, to conduct the renewal of ratings/licenses. If EASA couldn't decide to lapse the periodical proficiency checks, the qualification of flight instructors should**

**anyway be expanded to the privilege of an “examiner”, according to the mentioned rule.**

response *Noted*

The Agency acknowledges the expressed opinion. However the comment seems to be a duplicate of your comments No 7920, 7938, 7939 and 7942. See response to your comment No 7920.

comment

**8210**

comment by: *Klagenfurter Flugsport Club*

(a) (1)

Auch hier schlagen wir vor, dass die Befähigungsüberprüfung innerhalb eines Zeitraumes von drei Monaten vor und nach Ablaufdatum durchgeführt werden kann.

response

*Noted*

Thank you for your comment. Please refer to the response given to comment no 6948 in this segment.

comment

**8211**

comment by: *Klagenfurter Flugsport Club*

(b) (1)

Wir schlagen vor:

Die Verlängerung einer Klassenberechtigung auf einmotorigen Kolbentriebwerk Flugzeugen sollte durch eine Flugüberprüfung erfolgen, welche alle zwei Jahre durch einen Fluglehrer zu erfolgen hat. Alles andere ist kompliziert, kostspielig und dient nicht größerer Sicherheit.

Betreffend Annex III 1.e.2. wird festgestellt, dass es regelmäßig Überprüfungen und Tests zu geben hat, um die Qualifikation zu erhalten. Die Art der Voraussetzung, wie sie im FCL.740.A (b) geregelt ist, ist eine unnötige Belastung und verursacht Kosten für die allgemeine Luftfahrt. Die Federal Aviation Regulations, welche in Übereinstimmung mit ICAO sind, verlangen nur eine zweijährige Flugüberprüfung durchgeführt von einem Fluglehrer. Um Kosten zu sparen, schlagen wir vor, dass die Regelung so bleiben sollte, wie sie in der JAR-FCL 1 geregelt war und damit den FAR`s entsprechen.

response

*Noted*

Thank you for your comment. Please refer to the response given to comment no 930 in this segment.

comment

**8220**

comment by: *Swedish Seaplane Association (SSA) and Seaplane pilot Associations Federation of Europe (SAFE)*

Swedish Seaplane Association, SSA do not approve of the every third revalidation mandatory PC. Sweden is a big nation with long distances and few examiners rated on seaplanes. Sweden have, however, enough seaplane rated instructors and good seaplane organisation which is active in the work of flight safety and information.

response

*Noted*

Please see the reply to comment 115 above.

comment	<p>8226 <span style="float: right;">comment by: <i>AOPA Sweden</i></span></p>
	<p>It should be described in the rules how the pilot should do if he wants to do a PC earlier than in the 3 month period. In the present NPA there is no possibility for the pilot to perform a PC before the 3 month period. An examiner should be able to do a revalidation also before the 3 month period, but the expiry date for the rating should of course be changed. The Examiner should be able to set the new date himself according to the regulation.</p>
response	<p><i>Noted</i></p>
	<p>Please see the reply to comment 168 above.</p> <p>Please be also reminded that revalidation is done by the authority, not by the examiner himself, who cannot set a new date by himself.</p>
comment	<p>8241 <span style="float: right;">comment by: <i>AOPA Sweden</i></span></p>
	<p>AOPA Sweden suggests that easa evaluates the US system with currency requirements rather than Prof Checks of all pilots with a valid licence. Checks should then only be performed with "skill tests". This will also save cost due to lower numbers of examiners needed. However the flight instructor must have the authority, not to pass the students bi-annual flight.</p>
response	<p><i>Noted</i></p>
	<p>The issue of the proficiency check was discussed during the review phase based on the significant amount of comments dealing with this issue and criticising the proposal for a mandatory proficiency check. The proposal was based on Annex III of the Basic Regulation where a mandatory assessment, check, test or examination is required.</p> <p>Following the inputs received, the Agency studied further the possibilities given by the Basic Regulation and decided to delete the mandatory proficiency check, but to revise the revalidation requirements for all categories and to introduce mandatory training flights with an instructor every 24 months (for helicopters every 12 months) instead.</p>
comment	<p>8242 <span style="float: right;">comment by: <i>Dr. Egon. R. Sawizki</i></span></p>
	<p><b>New PPL exam every 6 years (according to EASA)</b></p> <p>In the US, for decades, a <i>Right Review</i> to be conducted every 24 calendar months proved to be an excellent tool to monitor pilots' performance and currency. What sense does it make if every 'small' pilot irrespective of his age should do a complete PPL exam every 6 years? Do you require him to start from scratch every time? Example: An engine driver (locomotive) who has a by far higher responsibility for human beings does not have to abide by such a strict rule. He can drive his locomotives without any repeated exams because he has the experience in what he is doing. If we are looking at pilots, then the hours count. The proportionality is totally missing.</p>
response	<p><i>Noted</i></p>
	<p>Please see the reply to comment 115 above.</p>
comment	<p>8282 <span style="float: right;">comment by: <i>Paul Mc G</i></span></p>
	<p>Para b2). This needs a greater number of FEs, perhaps FEs holding a PPL</p>

	instead of a CPL will be needed as per the LAA plans of some time ago?
response	<i>Noted</i> Please see the reply to comment 115 above.

<b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 3: Specific Requirements for the helicopter category</b>	p. 38
-------------------------------------------------------------------------------------------------------------------------------------	-------

comment	995 <i>comment by: CAA Belgium</i> (a)(1) see comment item FCL.735.A and 735.As Different MCC training.
response	<i>Noted</i> The difference between aeroplanes and helicopters is coming from JAR-FCL. As for airships, this is a new proposal, and the hours included were those considered adequate by the FCL.001 experts.

comment	5149 <i>comment by: CAE</i> Add FCL.730.H on page 38 (similar to FCL.730.A)  FCL.730.H Specific requirements for pilots undertaking a zero flight time type rating (ZFTT) course Helicopters  A pilot undertaking instruction at a ZFTT course shall have completed, ....at least:  (a) if a FFS qualified to level CG, C or interim C is used during the course, 1000 hours flight time; (b) if a FFS qualified to level DG, Interim D or D is used during the course, 300 hours flight time.
response	<i>Not accepted</i> ZFTT is not envisaged for helicopters at the moment. Level D FFS are not representative enough, mainly close to the ground (eg: emergency take-off and landing from/to helipad).

<b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 3: Specific Requirements for the helicopter category — FCL.720.H Experience requirements and prerequisites for the issue of type ratings — helicopters</b>	p. 38
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------

comment	374 <i>comment by: REGA</i> <b>STATEMENT</b> (a)(3) The requirement of having passed the ATPL(H) theoretical examination to be privileged for a multi-pilot operation is inadequate. A multi crew licence for helicopter pilots is inexistent.  <b>PROPOSAL</b> To fulfill the requirements to operate in multi-crew environment shall be
---------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	possible <u>independently</u> from the ATP(H)-training and licence. CPL(H) rated pilots shall be able to act as a copilot or a pilot in a multi-pilot operation. They shall hold, beside the other requirements according letter (a), a certificate of a MCC course and have passed a practical MCC skill test in helicopters. A multi crew licence (H) shall be developed according the MPL(A), FCL.400A.
response	<i>Not accepted</i>  The requirement for ATPL level theoretical knowledge is coming from JAR-FCL 2 and is in compliance with ICAO Annex 1. The Agency does not intend to change it.
comment	<b>396</b> <span style="float: right;">comment by: <i>Rod Wood</i></span>  (c) (1) (ii) There should not be a pre-entry course requirement but the syllabus for this category of type conversion should be assessed to confirm that the content of the theoretical knowledge is to the ATPL(H) standard required in the categories listed.
response	<i>Not accepted</i>  Please see the reply to comment 374 above.
comment	<b>563</b> <span style="float: right;">comment by: <i>Rod Wood</i></span>  (a)(2)(ii) This paragraph does not seem to make sense as 500 hours of multi-pilot flight time being accumulated on a single pilot helicopter is totally unrealistic. Maybe I am missing something. It would seem to be more sense to combine the type rating with the MCC on the first multi-pilot type rating as a requirement.
response	<i>Noted</i>  The requirement refers to 500 hours in multi-pilot operations in Helicopters non-certificated as multi-pilot, but operated with 2 pilots in multi-pilot operations.
comment	<b>1241</b> <span style="float: right;">comment by: <i>Aeromega</i></span>  720. H (c) (1) (i) requires an ATPL (H) theoretical knowledge to obtain a rating on a single pilot multi-engine helicopter. This prevents CPL (H) holders from obtaining this rating without qualifying under clause (ii). ATPL relates to multi-crew not single crew multi-engine, CPL(H) theoretical knowledge should be sufficient.
response	<i>Noted</i>  The Agency considers that CPL(H) theoretical knowledge is not sufficient to operate a multi-engine helicopter in terms of: - Aircraft Knowledge (performance class 1 2 3); - Flight planning and performance (take-off, landing, twin engines profiles). Therefore, it does not intend to change the proposed requirement.
comment	<b>1609</b> <span style="float: right;">comment by: <i>Helikopter Air Transport GmbH / Christophorus Flugrettungsverein</i></span>

**STATEMENT**

(a)(3) The requirement of having passed the ATPL(H) theoretical examination to be privileged for a multi-pilot operation is inadequate. A multi crew licence for helicopter pilots is inexistent.

**PROPOSAL**

To fulfil the requirements to operate in multi-crew environment shall be possible independently from the ATP(H)-training and licence. CPL(H) rated pilots shall be able to act as a copilot or a pilot in a multi-pilot operation. They shall hold, beside the other requirements according letter (a), a certificate of a MCC course and have passed a practical MCC skill test in helicopters. A multi crew licence (H) shall be developed according the MPL(A), FCL.400A.

response *Noted*

Please see the reply to comment 374 above.

comment

2210

comment by: FOCA Switzerland

H/Section 3

FCL.720.H

Proposal

**(a)(3) If the pilot acts as PIC, have passed the ATPL(H) theoretical knowledge examination.**

response *Not accepted*

The Agency considers that in multi-pilot helicopters, both pilots shall have ATPL Theoretical knowledge. This was also the case in JAR-FCL 2.

comment

2271

comment by: Bundespolizei-Fliegergruppe und  
Polizeihubschrauberstaffeln/ -fliegerstaffeln der Länder

(c) Single-pilot *multi-engine helicopters*. An applicant for the issue of a first type rating for a single-pilot multi-engine helicopter shall:

(1)

(i) have passed the ATPL(H) theoretical knowledge examinations; or  
(ii) hold a certificate of completion of a **pre-entry course** conducted by an approved training organisation. The course shall cover the following subjects of the ATPL(H) theoretical knowledge course:

- Aircraft General Knowledge: airframe / systems / powerplant, and instrument / electronics;
- Flight Performance and Planning: mass and balance, performance;

(2) in the case of applicants who have not completed an integrated flying training course as ATPL(H)/IR, ATPL(H), or CPL(H)/IR, have completed at least **70 hours** as pilot-in-command of helicopters.

1. "Pre-entry course":

Besides the general theoretical requirements stated under (ii) there is no information about the specification of this preentry course.

- What is the intended duration of such a course?
- What kind of certificate can be issued?
- What are the prerequisites for the training organisation to issue a certificate for the pre-entry course?

From our point of view the details for the preentry course should be published in the GM for this paragraph.

2. "...70 hours as pilot-in-command of helicopters":

Where is the original reason for this requirement?

Flying on a multi-engine helicopter is safer than flying on a single engine helicopter. This means that from our point of view that it would be sufficient to fly the minimum pilot-in-command time (as SPI) during a CPL(H) course before starting with a multi-engine helicopter.

Even if there are concerns about the skills and the experience of a pilot just finishing a CPL(H) course with 35 hours of pilot-in-command time, the basic requirements for the type rating itself have to be met during the examination for the first type rating on such a helicopter.

Therefore we suggest to change this paragraph as follows:

(2) in the case of applicants who have not completed an integrated flying training course as ATPL(H)/IR, ATPL(H), CPL(H)/IR *or CPL(H)*, have completed at least 70 hours as pilot-in-command of helicopters.

response

*Noted*

1. Noted. At this time the Agency does not intend to introduce new elements without a proper assessment. These elements may be subject to a future rulemaking task.

2. Not accepted. The Agency considers that sufficient PIC experience on SEH is necessary before moving to MEH (70 hours as PIC is considered as a strict minimum). In performance class 1, 2, 3, take-off and landing profiles are totally different than from SEH.

comment

3247

comment by: *john daly*

Referring to FCL.720H (c) (1) (i), is it implied that passing the theoretical knowledge at CPL(H) level would NOT be acceptable to start a multi-engine type rating course? Perhaps this could be clarified.

response

*Not accepted*

Please see the reply to comment 1241 above.

comment

3410

comment by: *NACA*

**FCL.720.H (a) (2) (i) and FCL.735.H**

1. Is there a limit to the period of validity of a MCC course? This should be made clear.

**FCL.720.H (c) (1) (ii)**

1. For the required pre-entry course a minimum amount of theory instruction hours should be stated.

response

*Noted*

1. Noted:  
There is no limit to the MCC course validity period.

2. Please see the reply to comment 2271 above. That is the purpose of the pre-entry course.

comment 3498 comment by: *SHA Guido Brun*

Statement: Co-Pilots on multi pilot helicopters should not be requested to hold theoretical ATPL.  
 Proposal: (a) (3) have passed the ATPL(H) theoretical examinations **in the case of PIC.**

response *Not accepted*

Please see the reply to comment 374 above.

comment 3654 comment by: *SHA Guido Brun*

Statement: SP helicopters being operated under an approved MP concept: Revalidate with 1 prof check plus 1 additional approach single pilot.

Proposal: FCL.740.H (5) in the case of a single pilot helicopter being operated under an approved MP concept: pass a proficiency check ...expiry date of the rating. **One additional approach single pilot operation is required to revalidate the single pilot rating for the relevant type of helicopter.**

response *Noted*

At this time the Agency does not intend to introduce new elements without a proper assessment. These elements may be subject to a future rulemaking task.

comment 3842 comment by: *Luftfahrt-Bundesamt*

FCL.720.H:

The principle of a differentiation between helicopter types based on their complexity (e.g. handling, performance, level of built in technology, ...) should be taken into consideration for the purpose of training, testing, checking and licensing of helicopter pilots, instructors and examiners and should replace EASA's SP-SEH/ SP-MEH- MP-MEH -systematics. The present EASA type rating list of helicopters, differentiating only between single engine and multi engine helicopter types, does not provide a list of multi pilot helicopter types, for which additional licensing requirements exist. Because specific licensing requirements for multi pilot helicopters exist, an appropriate list of multi pilot helicopter types is required (like it has been done in case of aeroplanes). For the time being, a simple licence entry with regard to a type rating does not give any indication on the licence holder's privilege to operate in a multi pilot flight crew.

Basically, by FCL definition a "**Multipilot helicopter type originally is a Singlepilot multiengine helicopter** type acc. to CS 27 or CS 29, which might become a MPH-type by operational requirements. Therefore, the considerable different licensing requirements on theoretical knowledge as they are introduced by FCL.720.H (a) (3) and FCL.720.H (c)(1)(i) or (ii), respectively, are not acceptable and /or explainable, especially because they seem to be based solely on the fact of a second pilot required in the cockpit of a multi engine helicopter. See also our general comment.

The requirement according to FCL.720.(c)(1) (i) should be thoroughly reconsidered:

It does not seem justified to require an additional theoretical knowledge instruction of 300 hours and the passing of an ATPL theoretical knowledge examination from a holder of a CPL(H) (who has undergone at least 350 hours of theoretical instruction according to Appendix 3, Part H, No 7) for the sole reason of a second engine on a helicopter type. Does EASA really intend to require such additional efforts for the simple reason of a second engine on a helicopter where no asymmetric flight conditions occur in case of engine problems? Again, we highly recommend adjusting the requirements on helicopter pilots, instructor's and examiners with regard to the complexity of the helicopter that is intended to be operated. Simply, the number of engines (or pilots) does not mirror the complexity of a helicopter all-too well and does not provide a very good basis for an assessment on how demanding it is to operate a helicopter (please also note our general comment).

response *Not accepted*

1. Not accepted. The definition of Multi-pilot helicopter is clear in FCL.010. The additional requirements are justified by the additional complexity of the operation. Further consideration to the complexity of the aircraft may be given during the operational evaluation of the type of helicopter and included in the OSD.

2. Not accepted. Please see the reply to comment 374 above.

comment

3996 ❖

comment by: *Airbus*

**Page 35 FCL.720A and Page 38 FCL.720H**

- **Comment:** adjust the text so that the link with the Operational Suitability Certificate is clearer.
- **Proposal:** FCL.720A & 720H to read:  
*An applicant for a class or type rating shall comply with the experience requirements and prerequisites for the issue of the relevant rating defined in the Operational Suitability Certificate established in accordance with Part 21.*

response *Accepted*

The text will be amended accordingly.

comment

4201

comment by: *SFG-Mendig*

ATPL darf nicht die Grundlage für den gewerblich eingesetzten Hubschrauberführer werden. Anders als bei dem heutigen Linienflugbetrieb der aeroplanes ergibt sich das Leistungsvermögen der beruflich tätigen Hubschrauberführer aus der praktischen Erfahrung im Umgang mit dem komplexen Fluggerät. Hier darf keine "Vertheoretisierung" Einzug halten.

response *Noted*

Thank you for providing this comment. Please refer to the response given to comment no 374 in this segment.

comment

5422

comment by: CAA Belgium

The principle of a differentiation between helicopter types based on their complexity (e.g. handling, performance, level of built in technology, ...) should be taken into consideration for the purpose of training, testing, checking and licensing of helicopter pilots, instructors and examiners and should replace EASA's SP-SEH/ SP-MEH- MP-MEH -systematics. The present EASA type rating list of helicopters, differentiating only between single engine and multi engine helicopter types, does not provide a list of multi pilot helicopter types, for which additional licensing requirements exist. Because specific licensing requirements for multi pilot helicopters exist, an appropriate list of multi pilot helicopter types is required (like it has been done in case of aeroplanes). For the time being, a simple licence entry with regard to a type rating does not give any indication on the licence holder's privilege to operate in a multi pilot flight crew.

Basically, by FCL definition a " **Multipilot helicopter type originally is a Singlepilot multiengine helicopter** type acc. to CS 27 or CS 29, which might become a MPH-type by operational requirements. Therefore, the considerable different licensing requirements on theoretical knowledge as they are introduced by FCL.720.H (a) (3) and FCL.720.H (c)(1)(i) or (ii), respectively, are not acceptable and /or explainable, especially because they seem to be based solely on the fact of a second pilot required in the cockpit of a multi engine helicopter. See also our general comment.

The requirement according to FCL.720.(c)(1) (i) should be thoroughly reconsidered:

It does not seem justified to require an additional theoretical knowledge instruction of 300 hours and the passing of an ATPL theoretical knowledge examination from a holder of a CPL(H) (who has undergone at least 350 hours of theoretical instruction according to Appendix 3, Part H, No 7) for the sole reason of a second engine on a helicopter type. Does EASA really intend to require such additional efforts for the simple reason of a second engine on a helicopter where no asymmetric flight conditions occur in case of engine problems? Again, we highly recommend adjusting the requirements on helicopter pilots, instructor's and examiners with regard to the complexity of the helicopter that is intended to be operated. Simply, the number of engines (or pilots) does not mirror the complexity of a helicopter all-too well and does not provide a very good basis for an assessment on how demanding it is to operate a helicopter (please also note our general comment).

response

*Not accepted*

Please see the reply to comment 3842 above.

comment

5558

comment by: UK CAA

**Paragraph:** FCL. 710/725/720A/720H**Page No\*:** 34/35/38of 647**Comment:** Part-21 mentioned in these paragraphs with no statement of the full reference.**Justification:** Clarification

response

*Noted*

Part-21 is an Annex to Commission Regulation (EC) No 1702/2003, containing implementing rules on initial airworthiness.

Reference to Part-21 addresses the proposed requirements for operator suitability data for each type to be approved by EASA. For more details please see NPA 2009-01.

Please see also the reply to comment 3996 above.

comment 5652 comment by: *Bristow Academy*

First paragraph

Suggest the removal of reference to Part-21 and replace with a statement of what is required to comply with Part-21.

Paragraph (a) Poor English. Suggest: An applicant for the issue of the first type rating for a multi.....

response *Partially accepted*

1. Not accepted. Please see the reply to comment 5558 above.

2. Accepted. Text has been amended accordingly.

comment 5713 comment by: *UK CAA*

**Paragraph:** FCL.720.H

**Page No:** 38 of 647

**Comment:** The reference to Part-21 is confusing in this context

**Justification:** It is the class or type rating that is defined in accordance with Part-21 and not the experience requirements and pre-requisites.

**Proposed Text: (if applicable)**

An applicant for a type rating established in accordance with Part-21 shall comply with the experience requirements and prerequisites for the issue of the relevant rating. In any case, those requirements and prerequisites shall be at least the following:

response *Not accepted*

The OSD will not define only the type, but the specific prerequisites and syllabus for training as well.

comment 5715 comment by: *UK CAA*

**Paragraph:** FCL.720.H(c)(1)(ii)

**Page No:** 38 of 647

**Comment:** The requirement for the pre-entry course for a first multi-engine helicopter type rating does not include any requirement to pass a theoretical knowledge examination. This should be included at FCL.725(b)(5).

**Justification:** The alternative requirement is not simply to have completed the ATPL(A) theoretical knowledge course but to have passed the ATPL(H) theoretical knowledge examinations.

response *Not accepted*

The requirement is in line with JAR-FCL 2. At this time the Agency does not intend to introduce new elements without a proper assessment. These elements may be subject to a future rulemaking task.

comment	5718	comment by: UK CAA
	<p><b>Paragraph:</b> FCL.720(H)(c)  <b>Page No:</b> 38 of 647  <b>Comment:</b> Statement incorrect – these are pre-requisites for the <u>course</u> and not the licence issue i.e. required before flight training commences.  <b>Justification:</b> Safety - essential theoretical information is required before flight training commences  Consistency – this paragraph should be consistent with statement at 720A(b).  <b>Proposed Text: (if applicable)</b>  Replace text with <b>Before starting flight training an applicant for a first type rating for a single-pilot multi-engine helicopter shall:</b></p>	
response	<p><i>Accepted</i></p> <p>Text as been amended accordingly.</p>	
comment	6429	comment by: CAA Finland
	<p>FCL.720.H(a)(3):  Although FCL.025 gives the requirements that theoretical knowledge training shall be done before the examination, it is possible to understand that this gives an exemption to do direct examination. Amended text proposal:</p> <p>(ii) have passed the ATPL(H) theoretical knowledge <b>instruction and</b> examinations; or</p>	
response	<p><i>Not accepted</i></p> <p>The Agency considers that the text is clear enough.</p>	
comment	6430	comment by: CAA Finland
	<p>FCL.720.H(c)(1)(i):  Although FCL.025 gives the requirements that theoretical knowledge training shall be done before the examination, it is possible to understand that this gives an exemption to do direct examination. Amended text proposal:</p> <p>(ii) have passed the ATPL(H) theoretical knowledge <b>instruction and</b> examinations; or</p>	
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 6429 above.</p>	
comment	7204	comment by: CHC Europe EASA Ops Team - representing 550 pilots across Europe
	<p>(a) (3) This would appear to discriminate against applicants who only have their CPL theory and would prevent them from undergoing an MPH type rating course.</p> <p>Justification: If they cannot comply with 720H (3) they are excluded from a MPH type rating and in my opinion this is discrimination. For aircraft with &lt; 9 pax seating config, an ATPL is not required for a captain.</p>	
response	<p><i>Not accepted</i></p>	

Please see the reply to comment 374 above.

comment

7301

comment by: *Peter Holland*

FCL.720.H Eperience requirements.....issue of type ratings - helicopters

Section (c), (1), (ii) - single-pilot multi-engine helicopters seems onerous and is far in excess of any current regulations and the equivalent section for aeroplanes. With modern FADEC systems this seems even less relevant than might have been with older style machines.

It is absurd to require multi engine helicopter should have to pass the equivalent of ATPL exams on:

Aircraft General Knowledge: airframe / systems / powerplant, and instrument / electronics;

Flight Performance and Planning: mass and balance, performance;

when ATPL theory is geared towards commercial airliners not helicopters, knowledge of Boeing 747 Air Conditioning systems is irrelevant and no such requirement is made for multi engine aeroplanes - considerably more difficult to fly with one engine failed due to asymmetric power effects, which you do not get on helicopters!

Surely better to let the training organisation write their own theoretical knowledge course using their experience of multi-engine helicopters? That's what they know about and that's what they do now.

Why are the higher levels of helicopter licence made so difficult compared to higher levels of aeroplane licence when the basic levels of helicopter licence are made unrealistically easy to achieve and almost the same as those for aeroplanes!?

If you've managed to learn and qualify to fly helicopters you are already a considerably more highly trained pilot than the "same level" aeroplane pilot. (I'm not biased I fly both)

response

*Not accepted*

The requirement for ATPL level theoretical knowledge is coming from JAR-FCL 2 and is in compliance with ICAO Annex 1. The Agency does not intend to change it.

comment

7527

comment by: *FlightSafety International*

1. For consistency with FCL.720.H(a)(2), there should also be a requirement for multi-pilot operations on single pilot helicopters

Add in point (iii) or 500 hours as pilot in multi-pilot operations on single-pilot helicopters, or

2. For consistency with FCL.720.A(c)(4)(iii), , there should be similar requirements

Change point (2) to point (3) and add at least 500 hours as pilot on multi-pilot helicopters or. Add point (ii) hold a certificate of satisfactory completion of MCC

in aeroplanes and have more than 100 hours flight experience as pilot of multi-pilot helicopters or as pilot in multi-pilot operations on single pilot aeroplanes.

response *Partially accepted*

1. Not accepted. Your proposal seems to be the addition of the possibility for 500 h in multi-pilot single-engine helicopters. However, the Agency does not consider that it is possible to have multi-pilot operations in single-engine helicopters; it has to be always a multi-engine helicopter.  
2. Partially accepted. Text has been amended to be consistent with FCL.720.A.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 3: Specific Requirements for the helicopter category — FCL.735.H Multi-crew p. 38-39 cooperation training course — helicopters**

comment

510

comment by: *FOCA Switzerland*

H/Sections 3 and 5  
FCL.735.H  
FCL.735.As

MCC-Training is Generic

Proposal:

**There is no difference between MCC/IR and MCC/VFR: The requirements are identical and shall be either 10 hours or 15 hours. Furthermore, the crosscredit for any other category shall be adapted accordingly.**

response

*Not accepted*

This was already the case in JAR-FCL. The Agency does not intend to change these requirements at this time, without a proper assessment.

comment

996

comment by: *CAA Belgium*

See remarks concerning difference in MCC training with FCL.735.A and 735.H.

response

*Noted*

Please see replies to comments on this segment.

comment

2125

comment by: *British International Helicopters*

Add new para (c):

Whenever possible, the MCC training should be combined with the initial type rating for a multi-pilot helicopter, in which case the practical MCC training may be reduced to not less than 10 hours for MCC/IR, and not less than 7 hours for MCC/VFR, if the same flight simulator is used for both MCC and type rating training.

re-number old (c) and (d) to (d) and (e)

Justification: as per existing JAR-FCL 2 2.261(d) (3)

response	<i>Partially accepted</i> Text has been amended.
comment	2336 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span> No reduction of MCC practical training if combined with type rating and same simulator is used. Justification: JAR 2.264(d)(3) has reduction of 15 to 10 hours. This should be the same.
response	<i>Accepted</i> Text will be amended accordingly.
comment	3336 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span> FCL 735 H Remark 1 : Consistency in (d) : alphabetic character "i" has to be put, instead the Number "1"  Remark 2 No information is provided for the one having already the MCC –VFR  (a) (1) (ii) .....  (d) An applicant having completed MCC training for any other aircraft shall be exempted from the requirement in (a) (1) (i) or (a) (2) <del>(1)</del> –(i), as applicable  <b>(e) An applicant for a MCC – IR training, who has completed a MCC - VFR training shall be exempted from the requirement in (a) (1) (i), and shall complete 5 hours of practical MCC- IR training.</b>
response	<i>Accepted</i> Text has been amended as proposed.
comment	3499 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span> Statement: there is no difference in multi-crew cooperation between airplane and helicopter. Therefore the course should be the same and cross-credited. Proposal: move FCL.735.A and FCL.735.H into one FCL.735 general part.
response	<i>Partially accepted</i> Text will be amended accordingly.
comment	4406 <span style="float: right;">comment by: <i>Bond Offshore Helicopters</i></span> No reduction of MCC practical training if combined with type rating and same simulator is used. Justification:

response	<p>JAR 2.264(d)(3) has reduction of 15 to 10 hours. This should be the same.</p> <p><i>Accepted</i></p> <p>Text will be amended accordingly.</p>
comment	<p>4649 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>No reduction of MCC practical training if combined with type rating and same simulator is used. Justification: JAR 2.264(d)(3) has reduction of 15 to 10 hours. This should be the same.</p>
response	<p><i>Accepted</i></p> <p>Text will be amended accordingly.</p>
comment	<p>4864 <span style="float: right;">comment by: <i>HUTC</i></span></p> <p>No reduction of MCC practical training if combined with type rating and same simulator is used. Justification: JAR 2.264(d)(3) has reduction of 15 to 10 hours. This should be the same.</p>
response	<p><i>Accepted</i></p> <p>Text will be amended accordingly.</p>
comment	<p>5721 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph:</b> FCL.735/H – Multi-crew co-operation training course-helicopters <b>Page No*:</b> 38 of 647 <b>Comment:</b> Reference should also be given to paragraph FCL.720.H (a)(2) (ii) in regard to claiming an exemption from MCC(H).</p> <p>The requirements to claim exemption from the MCC(H) course differ from claiming exemption from the MCC(A) course.</p> <p>For the MCC(H) course an applicant with aeroplane experience cannot claim exemption other than the theoretical knowledge instruction if they have completed a MCC(A) course.</p> <p>For the MCC(A) course an applicant with helicopter experience can claim exemption if: -</p> <ol style="list-style-type: none"> <li>1. They complete an MCC(H) course plus have 100 hours on MPH; or</li> <li>2. They have 500 hours on MPH</li> </ol> <p>There is no such credit available for aeroplane experience towards the MCC(H). Appendix 1 to JAR-FCL 2.261(d) gives credit towards the theoretical knowledge for applicants with 500 hours multi-pilot aeroplane experience but this does not appear in this paragraph or AMC.</p> <p>It is not clear why a helicopter pilot with 500 hours MPH experience is exempt from MCC(A) but an aeroplane pilot with 500 hours MPA experience cannot claim exemption from the MCC(H) course.</p>

	<p><b>Justification:</b> Clarification to an anomaly arising from existing JAR-FCL requirements.</p>
response	<p><i>Accepted</i></p> <p>Text will be amended to add a new paragraph to (a)(2) stating: 'have at least 500 hours as a pilot on multi-pilot aeroplanes; or'</p>
comment	<p>5726 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph:</b> FCL.735.H (a)(1)(ii)  <b>Page No*:</b> 38 of 647  <b>Comment:</b> The helicopter MCC/IR course is 5 hours practical training shorter than the aeroplane equivalent [see FCL.735.A (a)(2)].  <b>Justification:</b> There should be consistency across categories for the same subject material.  <b>Proposed Text: (if applicable)</b>  (ii) 20 hours of practical training, or 15 in the case of students attending an ATP integrated course.  When the MCC training is combined with the initial type rating training for a multi-pilot helicopter, the practical training may be reduced to no less than 10 hours if the same FSTD is used for both the MCC and type rating training. A FNPT II or FTD or FFS shall be used.</p>
response	<p><i>Accepted</i></p> <p>Text has been amended accordingly.</p>
comment	<p>6453 <span style="float: right;">comment by: <i>CAA Finland</i></span></p> <p>FCL.735.H(a)(1)(ii) and (2)(ii):  Text shall be harmonized with A as MCC in IFR is equal independently of aircraft type or helicopters are even more demanding. Amended text proposal that affects to MCC/VFR too:</p> <p>(ii) <b>20</b> hours of practical MCC training;  (2) for MCC/VFR:  (ii) <b>15</b> hours of practical MCC training;</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 5726 above.</p>
comment	<p>6747 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <p>Reference to "(a)(1)(i) or (a)(2)(1)" should be corrected to "(a)(1)(i) or (a)(2)(i)".</p>
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>
comment	<p>7115 <span style="float: right;">comment by: <i>CHC Europe EASA Ops Team - representing 550 pilots across Europe</i></span></p>

No reduction of MCC practical training if combined with type rating and same simulator is used.

Justification:

JAR 2.264(d)(3) has reduction of 15 to 10 hours. This should be the same.

response *Noted*

Please see the reply to comment 5726 above.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 3: Specific Requirements for the helicopter category — FCL.740.H Revalidation of type ratings — helicopters** p. 39

comment 19

comment by: *Marcus Aulfinger*

I suggest to completely delete FCL 740.H (a)(2).

From my experience as FI/TRE/FE, there no extra safety or flight proficiency gained by this paragraph. People tend to fly one hour over one year and fly the other hour at the proficiency check. There is no realistic difference between flying one hour in a year or not flying at all.

On the other side, if somebody doesn't fly the whole year and flies one hour with an instructor before his/her proficiency check, practicing emergency and other required procedures, they are proficient in those maneuvers. An extra formal proficiency check afterwards doesn't enhance safety at all. It just places the burden to fulfil the requirement in every single type of helicopter.

Also in FAA FAR 61.56 there is only a biennial flight review also for helicopters and this is only every two years. I am also FAA certified CFI and from my experience, this is by far enough to ensure the proficiency of pilots. If a pilot doesn't show the performance of the license held, he/she has to get extra training until the performance is met.

From my point of view, for FCL 740.H (a)(3) and (4) the 2 hour regulation makes sense as there is no need for a formal proficiency check on those types.

My proposal would be to completely delete FCL 740.H (a)(2). For clarification, it might also make sense to add a minimum flight time for proficiency checks, e.g. 45 minutes.

response *Not accepted*

The requirement in FCL.740.H(a)(2) is a direct transposition of JAR-FCL 2.245(b)(1) and (2). The Agency does not intend to change these requirements at this time without a dedicated assessment.

comment 397

comment by: *Rod Wood*

The comment on consistency applies. See FCL 140 (H) and FCL 740.

response *Not accepted*

The Agency doesn't really understand your comment, since FCL.740 does not deal with revalidation of ratings.

You seem to be referring to FCL.740.A. If this is the case, then the Agency does not agree with your proposal. The requirements for the revalidation of

ratings for aeroplanes and helicopters were different in JAR-FCL. This difference was established based on the differences between the two categories of aircraft. The Agency does not intend to change this at this time, without a dedicated assessment.

comment 511 comment by: FOCA Switzerland

H/Section  
FCL.740.H

Proposals:

**(a)(1)**

**MP prof. check on SP-certified helicopters should be also valid for the revalidation for a TR SP.**

**(a)(3) and Appendix 11**

**Create as in FCL.740.A a special Classrating for Single pilot helicopter (SEP (H)) which contains all ratings according appendix 11. Such a Classrating shall be revalidated with flight experience and a training flight with a FI.**

**> Additional reference for SP helicopter being used in Multipilot operation:**

**Proposal: Single pilot certificated helicopters being operated in Multipilot Operations such skilltest and/or profchecks must be taken in Multipilot environment.**

response *Not accepted*

Class ratings for helicopters did not exist in JAR-FCL. The Agency does not intend to change this at this time, without a dedicated assessment.

comment 855 comment by: Heliswiss AG, Belg

The presently used proficiency check is not very practical. The scope of the check is not very wide and does not cover the real need of the helicopter pilot to attain more safety - practical training. There should be another way of type rating renewal for light helicopters - experience plus training. Our proposition is the following:

Helicopters up to 3175 kg should be grouped in a SESP (single engine single pilot) class (similar to FCL-1)

*Single-engine single pilot class ratings - Validity and Revalidation.  
Single-engine single pilot class ratings are valid for two years from the date of issue, or the date of expiry if revalidated within the validity period.*

*(1) Single engine single pilot (SESP) - Revalidation.*

*For revalidation of single-engine single pilot (SESP) class ratings the applicant shall:*

*(i) within the three months preceding the expiry date of the rating, pass a proficiency check in accordance with Appendix 9 of this part with an authorised*

	<p><i>examiner in the relevant class; or</i>  <i>(ii) within the 12 months preceding the expiry of the rating complete 12 hours flight time in a single engine single pilot including:</i>  <i>(A) 6 hours of pilot-incommand time;</i>  <i>(B) 12 take-offs and 12 landings; and</i>  <i>(C) a training flight of at least one hour's duration with a FI(H). This flight may be replaced by any other proficiency check or skill test.</i></p>
response	<p><i>Not accepted</i></p> <p>Please see replies to comments 19 and 511 above.</p>
comment	<p>2917 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>(a)(2)(ii) to be added : "This route sector may be flown during the profcheck."</p>
response	<p><i>Noted</i></p> <p>Your comment seems to refer to FCL.740.A, not H.</p> <p>Please see the reply to your comment in that segment, with the same content.</p>
comment	<p>3311 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span></p> <p>FCL 740 H (a)</p> <p>The same provision as for aeroplanes and airships categories, the word may is used instead of shall to be consistent with a comment on FCL.740.A (a) (4) we have done.</p> <p>Add  <b><i>(5) the revalidation of an IR(H), if held , may be combined with a proficiency check for a type rating</i></b></p>
response	<p><i>Accepted</i></p> <p>The text will be amended accordingly.</p>
comment	<p>3484 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span></p> <p>Statement: Revalidation of type ratings for single pilot single engine helicopters should be simplified. If an aeroplane type rating can be revalidated with hours flown plus an instructional flight, the same should be possible for helicopter pilots.</p> <p>Proposal: introduce class ratings and revalidation according to FCL.740.A.</p>
response	<p><i>Not accepted</i></p> <p>Please see replies to comments 19 and 511 above.</p>
comment	<p>3506 <span style="float: right;">comment by: <i>SHA Guido Brun</i></span></p> <p>Statement: the validity of type/class ratings for helicopters should also be 2 years, same as aeroplanes.</p> <p>Proposal: synchronize all validity and revalidation aeroplane with helicopter.</p>

response

*Not accepted*

The requirements for the revalidation of ratings for aeroplanes and helicopters were different in JAR-FCL. This difference was established based on the differences between the two categories of aircraft. The Agency does not intend to change this at this time, without a dedicated assessment.

comment

3581

comment by: *Swiss Power Flight Union***Create a new "Helicopter class rating" and add:**

Justification: The current regime under JAR-FCL is unfair.

For the aeroplane-pilot, there are the class rating, for the helicopter-pilot not. That must be changed urgently.

FCL.7XX.H Revalidation of class ratings - helicopters

*(a) Revalidation of single-pilot single engine class ratings.*

(1) Single-engine piston helicopter class ratings. For revalidation of single-pilot single-engine piston helicopter class ratings the applicant shall:

(i) within the three month preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner; or

(ii) within the 12 month preceding the expiry date of the rating, complete 12 hours of flight time in the relevant class, including:

6 hours as pilot-in-command;

50 take offs and 50 landings; and a training flight of at least one hour with a flight instructor (FI) or a class rating instructor (CRI).

response

*Not accepted*

Please see the reply to comment 511 above.

comment

3623

comment by: *SHA Guido Brun*

Statement: this kind of revalidation does not exist in ICAO Annex 1. As pilots flying commercial air transport have to pass an OPC every 6 months this article only applies to private pilots. Cost and environmental impact are enormous, the safety benefit compared to the same revalidation process aeroplane (FCL.740.A) is nil.

Proposal: define classes for helicopters and revalidation equal to aeroplanes.

response

*Not accepted*

Please see replies to comments 19 and 511 above.

comment

3624

comment by: *SHA Guido Brun*

Statement: no cross crediting of OPC/LPC checks with EASA-FCL prof checks available.

Proposal: FCL.740.H (c) any OPC/LPC according EASA-OPS may replace the prof check for the type / class of helicopter required.

response

*Not accepted*

The purpose and content of the LPL/OPS are different from the proficiency

check for revalidation of type ratings. Therefore, one cannot replace the other. Nothing prevents the two tests from being combined as long as all the mandatory elements of the proficiency check are covered.

comment **3807** comment by: *DGAC FRANCE*

FCL.740.H(b)

This is in line with wording expressed in Appendix 12 §9 (Prof Check).

Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!

4 times, text should read as followed :

(b) An applicant who fails to ***achieve a*** pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.

response *Accepted*

The text will be amended as accordingly.

comment **3843** comment by: *Luftfahrt-Bundesamt*

FCL.740.H:

A requirement analogous to 740.A. (a) (4) is missing. Is that on purpose? We suggest to adopt such a requirement into FCL.740.H

response *Accepted*

Please see the reply to comment 3311 above.

comment **4097** comment by: *SFVHE*

**Wie bisher Übungsflüge mit Fluglehrer oder dessen Aufsicht.**

response *Noted*

The requirements for revalidation of helicopter type ratings follow what was established in JAR-FCL 2.245. The Agency does not intend to change them at this time, without a dedicated assessment.

comment **5256** comment by: *CAA Belgium*

FCL.740.H(b)

This is in line with wording expressed in Appendix 12 §9 (Prof Check).

Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!

4 times, text should read as followed : (b) An applicant who fails to ***achieve a*** pass all

response *Accepted*

Please see the reply to comment 3807 above.

comment 5303 comment by: CAA Belgium

Add

**(5) the revalidation of an IR(H), if held , may be combined with a proficiency check for a type rating**

response Accepted

Please see the reply to comment 3311 above.

comment 5729 comment by: UK CAA

**Paragraph:** FCL.740.H – Revalidation of type ratings – helicopters

**Page No\*:** 39 of 647

**Comment:** Paragraph (b) states that an applicant who fails to pass the proficiency check before the expiry date shall not exercise privileges until the proficiency check has been passed. There is a need to make reference to FCL.740 because this additionally requires the applicant to complete refresher training through an approved organisation.

**Justification:** Clarification

response Noted

The requirement in FCL.740 for refresher training refers to renewal. The requirement in this paragraph applies to revalidation, while the type rating is still valid. If the type rating remains valid, then the pilot will just have to pass the proficiency check, without the need for refresher training.

comment 5731 comment by: UK CAA

**Paragraph:** FCL.740.H(a)(1)

**Page No:** 39 of 647

**Comment:** This precludes the conduct of a proficiency check in a FSTD.

**Justification:** The paragraph refers specifically to the relevant type of helicopter with no mention of FSTDs.

**Proposed Text: (if applicable)** pass a proficiency check in accordance with Appendix 9 to this Part in the relevant type of helicopter or FSTD within the three months immediately preceding the expiry date of the rating; and

response Partially accepted

This paragraph needs to be read in conjunction with Appendix 9, which foresees the possibility for the skill test and proficiency check to be conducted in a flight simulator. However, for reasons of consistency, the text will be amended to include a reference to FSTDs.

comment 5732 comment by: UK CAA

**Paragraph:** FCL.740H

**Page No:** 39 of 647

**Comment:** If a pilot passes an LST after completing a SEH Type Rating course (the LST and LPC are the same profile) then the LPC should be signed for other SEH in the common group.

**Justification:** Consistency.

**Proposed Text:** (a) (5) New paragraph  
**A pilot who successfully completes an LST may be credited with the LPC revalidation for other helicopter types in the common groups in accordance with (a) (3) and (a) (4).**

response *Accepted*

Text has been amended accordingly.

comment 6198

comment by: *EUROCOPTER*

For the revalidation of type rating in the case of single-engine turbine helicopters with a maximum certificated takeoff mass up to 3175 kg, the revalidation can be achieved on more than one type depending on conditions described in FCL.740.H (4). The final sentence states that "The proficiency check shall always be performed on the type least recently used for a proficiency check." While it is necessary to ensure that the proficiency check is not performed always on the same type, the above mentioned sentence is too prescriptive and leaves no room for flexibility. If, for example, the least recently used type is not available at the time of the test, the pilot would be required to take a check on all other types. We propose a more general and flexible wording.

**FCL.740.H Revalidation of type ratings – helicopters**

...

*(4) When the applicant holds more than one type rating for single engine turbine helicopters with a maximum certificated takeoff mass up to 3175 kg, he/she shall achieve revalidation of all the relevant type ratings by completing the proficiency check in only one of the relevant types held, provided that he/she has completed:*

*(i) 300 hours as pilot in command on helicopters;*

*(ii) 15 hours on each of the types held; and*

*(iii) at least 2 hours of pilot in command flight time on each of the other types during the validity period.*

*The proficiency check shall ~~always be performed on the type least recently used for a~~ proficiency check be performed each year on a different type.*

response *Accepted*

Text will be amended accordingly.

comment 6463

comment by: *CAA Finland*

FCL.740.H(a)(2):

All over these requirements there is quite the similar requirements for aeroplanes and helicopters or requirements for helicopters are even higher, see FCL.135.BA/H(a) and (b) or FCL.140.A and H. Revalidation requirement differs remarkably. Either FCL.140 A and H shall be reconsidered or FCL.740.H(a)(2).

response *Not accepted*

The requirements for the revalidation of ratings for aeroplanes and helicopters were different in JAR-FCL. This difference was established based on the differences between the two categories of aircraft. The Agency does not intend to change this at this time, without a dedicated assessment.

comment 6503 comment by: *Austro Control GmbH*

Proposed Text:

(a) (2) complete at least 2 hours as a pilot of the relevant helicopter type within the validity period of the rating. ~~The duration of the proficiency check may be counted towards the 2 hours.~~

response *Not accepted*

This text was already included in JAR-FCL 2.245(b)(2). The Agency does not intend to change it without a dedicated assessment.

comment 7257 comment by: *Aero-Club of Switzerland*

**Create a new "Helicopter class rating" and add:**

Justification: The current regime under JAR-FCL is unfair.

For the aeroplane-pilot, there are the class rating, for the helicopter-pilot not. That must be changed urgently.

FCL.7XX.H Revalidation of class ratings - helicopters

*(a) Revalidation of single-pilot single engine class ratings.*

(1) Single-engine piston helicopter class ratings. For revalidation of single-pilot single-engine piston helicopter class ratings the applicant shall:

(i) within the three month preceding the expiry date of the rating, pass a proficiency check in the relevant class in accordance with Appendix 9 to this Part with an examiner; or

(ii) within the 12 month preceding the expiry date of the rating, complete 12 hours of flight time in the relevant class, including:

6 hours as pilot-in-command;

50 take offs and 50 landings; and a training flight of at least one hour with a flight instructor (FI) or a class rating instructor (CRI).

response *Not accepted*

Please see replies to comments 19 and 511 above.

comment 7293 comment by: *Peter Holland*

FCL.740.H Revalidation of type ratings - helicopters

Section (a), (4), (i) "300 hours PIC" seems rather onerous and greater than any current regulations I am aware of.

The requirement for a PPL(H) is 45 hours, the requirement for further type ratings is 5 hours per type, so why require the equivalent of a PPL and 51 type ratings plus 2 hours on each type in the preceding 12 months before a multi-type PPL (or higher licence level) holder can revalidate all similar types in one go. It makes no sense, particularly when for helicopters one needs a type

rating for nearly each individual aircraft - and will be tested on each every year - whereas for fixed wing (aeroplanes) one can fly many, many types under one licence but nowhere is there a requirement for 300 hours or anything nearly as onerous for revalidation.

It is anomalous that an LPL(H) (a basic helicopter licence) could be gained with almost the same level of training as for an LPL(A) as proposed in this NPA, but then to require such considerably more experience than the equivalent PPL(A) at this level when PPLs by definition are more highly trained, particularly helicopter PPLs.

response *Not accepted*

The requirement was already included in JAR-FCL 2.245(b)(4)(i). The Agency does not intend to change it without a dedicated assessment.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 4: Specific Requirements for the powered-lift aircraft category — FCL.720.PL Experience requirements and prerequisites for the issue of type ratings — p. 39-40 powered-lift aircraft**

comment

512

comment by: FOCA Switzerland

H/Section 4  
FCL.720.PL

Remark

**(c)(4) Conditions are higher if qualified to fly both aeroplanes and helicopters.**

response

*Accepted*

Paragraph (c) has been amended as follows:

- (1) hold at least a CPL(H); and
- (2) hold an IR and ATPL theoretical knowledge or an ATPL in either aeroplanes or helicopters; and
- (3) hold a certificate of completion of an MCC course in either helicopters or aeroplanes; and
- (4) have completed at least 100 hours as a pilot of multi-pilot helicopters or aeroplanes; and
- (5) have completed 40h of flight instruction in aeroplane or helicopters, as applicable, if the pilot has no experience as ATPL or on multi-pilot aircraft.

comment

5734

comment by: UK CAA

**Paragraph:** FCL.720.PL(a) & (b) & (c)

**Page No:** 39 & 40 of 647

**Comment:** The requirements and pre-requisites listed in the three sub paragraphs do not determine if they are additional or individual. The word "and" should be added after each sub sub paragraph.

**Justification:** Clarity

**Proposed Text: (if applicable)**

	<p>(a) For pilots of aeroplanes:</p> <p>(1) hold a CPL/IR(A) with ATPL theoretical knowledge or an ATPL(A); <i>and</i></p> <p>(2) hold a certificate of completion of a MCC course; <i>and</i></p> <p>etc.etc.</p>
response	<p><i>Accepted</i></p> <p>Text has been amended accordingly.</p>

<p><b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 4: Specific Requirements for the powered-lift aircraft category — FCL.725.PL</b></p>	p. 40
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------

**Flight instruction for the issue of type ratings — powered-lift aircraft**

comment	<p>212</p> <p>FCL.725.PL</p> <p>The content of the flight instruction for the powered-lift aircraft is not specified, nor a difference training for variants in the same type of aircraft. Maybe a reference to an AMC or an appendix about the content of a type rating course can be added.</p>	comment by: CAA - The Netherlands
response	<p><i>Noted</i></p> <p>Details concerning the flight instruction for powered-lift aircraft will be specified in future rulemaking tasks.</p>	

<p><b>B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 4: Specific Requirements for the powered-lift aircraft category — FCL.740.PL</b></p>	p. 40
--------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------

**Revalidation of type ratings — powered-lift aircraft**

comment	<p>997</p> <p>(a)(2)(ii) same remark as for FCL.740.A: to be added: "This route sector may be flown during the profcheck".</p>	comment by: CAA Belgium
response	<p><i>Accepted</i></p> <p>Text has been amended accordingly.</p>	

comment	<p>3808</p> <p>FCL. 740.PL(b)</p> <p>This is in line with wording expressed in Appendix 12 §9 (Prof Check). Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!</p> <p>4 times, text should read as followed :</p> <p>(b) An applicant who fails to <b><i>achieve a</i></b> pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.</p>	comment by: DGAC FRANCE
---------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------

response	<i>Accepted</i> Text will be amended accordingly.
comment	4989 <span style="float: right;">comment by: <i>ECA- European Cockpit Association</i></span> Comment: add at the end of paragraph (a)(3): (a) Revalidation. For revalidation of poweredlift type ratings, the applicant shall: (3) A pilot working for a commercial air transport operator who has passed the operators proficiency check combined with the proficiency check for the revalidation of the type rating shall be exempted from complying with the requirement in (2), in compliance with Part OPS.  Justification: The requirement was to be in compliance with JAR-OPS, so the operation is always under our own regulation, not under third countries' one. There is no assurance that those hours have been flown under certain safety requirements.
response	<i>Accepted</i> JAR-OPS did not cover powered-lift aircraft. However, your comment is accepted, and the text will be amended accordingly.
comment	5258 <span style="float: right;">comment by: <i>CAA Belgium</i></span> FCL. 740.PL(b) This is in line with wording expressed in Appendix 12 §9 (Prof Check). Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!  4 times, text should read as followed : (b) An applicant who fails to <b>achieve a</b> pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.
response	<i>Noted</i> Please see the reply to comment 3808 above.

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 5: Specific Requirements for the airship category — FCL.720.As Prerequisites for the issue of type ratings — airships**

p. 41

comment	3337 <span style="float: right;">comment by: <i>DGAC FRANCE</i></span> FCL 720 As (b)  The b(1) was missing so the paragraph was not consistent. <b>An applicant for the first type rating course for multi-pilot airship shall:</b> <b>(1) have at least 70 hours as pilot-in-command of airship</b> <b>(2) hold a certificate of satisfactory completion of MCC in airships</b> <b>(3) an applicant that does not comply with the requirements in (1)..... ..</b>
---------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

	.....under supervision of airships
response	<p><i>Accepted</i></p> <p>Thank you for providing your opinion.</p> <p>The Agency agrees that the additional requirement for 70 hours as pilot-in-command of airships is missing. The text will be amended accordingly.</p>

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 5: Specific Requirements for the airship category — FCL.735.As Multi-crew cooperation training course — airships**

p. 41

comment	<p>998 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>Same remark as for FCL.735.A and 735.H : why differences in MCC training program ?</p>
response	<p><i>Noted</i></p> <p>The requirements are different because of the differences between aircraft. In the case of aeroplanes and helicopters, these differences are coming from JAR-FCL.</p> <p>Please note that the Agency has amended the text of this paragraph based on input received from experts. Please see amended text.</p>

**B. Draft Opinion Part-FCL — Subpart H: Class and Type Ratings — Section 5: Specific Requirements for the airship category — FCL.740.As Revalidation of type ratings — airships**

p. 41

comment	<p>1641 <span style="float: right;">comment by: <i>Dr. Jürgen Hendricks, Bamberg</i></span></p> <p>Der Vorschlag erfordert eine Prüfung lange Zeit vor Ablauf der Gültigkeit der Lizenz durch in der zu erwartenden Menge bisher nicht vorhandene Prüfer. Im Falle einer nicht erteilbaren Verlängerung wäre der Pilot unnötig früh "gegründet", eine Nachprüfung evtl. erst sehr viel später möglich, so dass aus dem bisherigen Zeitraum der Gültigkeitsdauer eine deutlich kürzere, letztlich nicht kalkulierbare Gültigkeitsdauer resultieren würde. Außerdem: Was tun bei Schlechtwetterperioden?</p> <p>Gegenvorschlag:</p> <p>Unter Beibehaltung der bisherigen Regelung alle 2 Jahre Übungsflug mit Fluglehrer, bei der dritten Verlängerung Durchführung eines standardisierten Übungsprogramms mit Bestätigung an die verlängernde Behörde durch den jeweiligen Fluglehrer.</p> <p>Vorteil:</p> <p>Zeiteinteilung und Terminierung der Prüfungs- und Übungsflüge zeitnah auf Vereinsebene möglich und bereits ohne größere Umstrukturierungen jetzt durchführbar.</p> <p>Besserer, regelmäßiger Trainingseffekt, da auch "peinliche" Schwächen angegeben und trainiert würden.</p>
response	<p><i>Noted</i></p> <p>Thank you for your comment; however it seems that it was placed in the</p>

wrong segment. The Agency thinks it was meant to be in FCL.740.A where similar comments can be found. Please see the replies in that section.

comment **3809** comment by: *DGAC FRANCE*

FCL.740.As(b)

This is in line with wording expressed in Appendix 12 §9 (Prof Check).

Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!

4 times, text should read as followed :

(b) An applicant who fails to **achieve a** pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.

response *Accepted*

Text will be amended accordingly.

comment **5261** comment by: *CAA Belgium*

FCL.740.As(b)

This is in line with wording expressed in Appendix 12 §9 (Prof Check). Otherwise, that means that a pilot who fails a Prof Check (within 3 months preceding the expired date), can continue to exercise the privileges until the expired date, because he has failed i.e more than 5 items or 2 sections but he has not failed all sections!

4 times, text should read as followed :

(b) An applicant who fails to **achieve a** pass all sections of a proficiency check before the expiry date of a type or class rating shall not exercise the privileges of that rating until a pass in the proficiency check has been achieved.

response *Accepted*

Text will be amended accordingly.

## B. Draft Opinion Part-FCL — Subpart I: Additional Ratings

p. 42

comment **117** comment by: *Nick Wilcock*

Attachment [#35](#)

Subpart I must include an Additional Rating termed the Class 2 Instrument Rating which would confer the following privileges:

1. Flight in single pilot aeroplanes of less than 5700 kg MTOM in non-VMC conditions without the requirement to hold a full Instrument Rating, subject to the following conditions:

(1) Flight in IMC or under IFR shall only be permitted in Member States' airspace **where so permitted under national law**.

(2) Privileges shall not be extended to multi-pilot aeroplanes or to CAT II or CAT III approach procedures;

- (3) The licence holder must hold at least ICAO Level 4 English Language proficiency;
- (4) Instrument approach procedure types shall be endorsed in the pilot's personal flying log book and shall be subject to an additional 200 ft allowance for precision approaches and 250 ft for non-precision approaches;
- (5) Minimum weather conditions of 600 ft cloudbase and 1800 m horizontal in-flight visibility shall apply for any take-off;
- (6) Minimum cloudbase for commencing an approach with the intention of landing shall be not less than the calculated instrument approach minimum, with commensurate runway visual range;

2. The Class 2 IR shall be valid for a period of 2 years from the date of passing the skill test and shall be revalidated by proficiency check.

A suggested training course is attached.

response

*Noted*

Thank you for providing your opinion containing a proposal for a future Instrument Rating.

It was indicated in the Explanatory Note of NPA 2008-17a that this issue is currently being discussed in a separate rulemaking task: FCL.008. During the transfer of the JAR-FCL requirements into the proposals for EASA Implementing Rules, the Agency came to the conclusion that the existing requirements for the Instrument Rating should be reviewed.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Instrument Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment

172

comment by: *Jan Helbing*

Obviously it is not planned to implement an aerial application rating (Streu- und Sprühberechtigung).

Aerial application is a highly critical operation: working in very low altitudes (1m-15m) with all kinds of chemicals including poisons and on aircraft/helicopters which are highly loaded requires an additional rating. (Several accidents - e.g. Eisenach - prove these requirements.)

According to national - e.g. German - law it is prohibited to dump or drop any objects or substances other than water or light sand, fuel, tows, banners or similar objects (§7LuftVO).

Regional authorities who are responsible for the area the aerial application operators is operating, are issuing exceptions on the base of the aerial application rating (Streu- und Sprühberechtigung). This discrepancy is an inconsistency to the german law and the interpretation of regional authorities based on the absence of a formal base for the issue of exceptions could lead to a threat of the work of aerial application operators.

response

*Noted*

Thank you for providing your comment.

The proposed three additional ratings (compared with JAR-FCL) are based on an evaluation of the existing ratings in the different Member States. Based on this evaluation the drafting group decided to develop at this stage only requirements for aerobatic, towing, mountain and night ratings (as well as a

flight test rating).

As there was no indication so far that further ratings are needed, the Agency will not introduce at this stage new elements which are not based on a proper safety assessment. However, it should be mentioned that the development of such a rating could be covered in the future by initiating an additional rulemaking task. As most of the proposed ratings will be used anyway only for commercial purposes, the OPS requirements will provide as well a framework for such activities as a system of Standard Operating Procedures (SOPs) for each of the aerial work activities envisaged.

comment

434

comment by: *Charles BAKER*Attachment [#36](#)

response

*Partially accepted*

Thank you for providing your opinion and sending the detailed working paper attached.

The Agency agrees that the 5 hours proposal for the amount of flight instruction to be received seems not to be an adequate minimum requirement for aerobatic training on sailplanes although this is the current practice and an agreed standard in several Member States.

The proposal was based on the calculation that the total flight time of these aerobatic training flights in sailplanes usually would be around 15 minutes taking into account that the 'pure' aerobatic training time (by deducting the non-aerobatic flight time) will be much lower. As for the flight preparation, the pre-flight checks as well as the towing procedure to a specified aerobatic training area ('box') and maybe also the landing circuit (by using for example the 'side slip' exercise in final), the Agency's calculation of this flight time was always based on the total amount of flight time. Based on the mentioned 15 minutes average for such an aerobatic training flight in a sailplane, 20 training flights were considered to be necessary to reach the required level which resulted in the proposed '5 hour' requirement.

Taking into account now only this low amount of 'real' aerobatic instruction time during such a flight (and it seems that most of the comments did it when criticising the Agency's proposal as inadequate for sailplane aerobatic training), the Agency agrees that this could cause some irritation. But the above-mentioned calculation shows also clearly that 10 flights in a sailplane containing only 5 minutes of aerobatic training each would not be sufficient to cover the whole syllabus and to reach the required level of competence and skill.

Based on this calculation and on a careful review of all the comments received, the Agency will change to requirements and will introduce a requirement asking for at least 20 aerobatic instruction flights as an alternative in order to reflect the specific situation for aerobatic instruction in sailplanes.

Regarding the comment aiming on the instructor's experience and privileges, please check the responses provided in the appropriate segment for FCL.905.LAFI. The Agency decided to delete the proposed 20 hours requirement and will introduce a demonstration of the ability to provide

aerobatic instruction. Please see also the responses provided in the CRI section.

Regarding your comments on the exercises to be practiced which is contained in the AMC to FCL.800, please see the responses provided in the appropriate segment and check the resulting text for the AMC (items 3.4. and 4.1. will be amended). The syllabus for the practical training will be lowered (e.g. deletion of the rudder roll) in order to address the comments asking for basic aerobatic instruction only.

Concerning the mentioned consequences, the Agency would like to point out that the basic training for the LPL or SPL will still ask for stalling and spinning awareness training and the definition contained in FCL.010 will be amended in order to make clear that every instructor is allowed to perform these exercises without being forced to hold an aerobatic rating.

Please see also the responses provided to comment No 86 (BGA) and No 425 (BAeA Chairman) in the segment for FCL.800.

comment

538

comment by: *Jaume Bosch, secretary of Spanish Helicopter Pilots and Technicians Association*

Attachments [#37](#) [#38](#)

From Spanish Helicopter Pilots and Technicians Association, we propose next additional Helicopter rate and due next reasons, with proposal docs attached.

#### **Fire fighting rating for helicopters proposal**

a) Involving different countries. Firefighting is a mainly mission, with helicopters, in some European countries as Spain, Portugal, Italy, Greece and south of France, involving too Poland because polish pilots works in firefighting in some of this southern countries in summer season. Only in Spain there are around 130 firefighting bases open almost 3 to 6 months per year, involving about 173 helicopters.

- **b) Kind of missions.** The role of the helicopters in firefighting is carry on firemen brigades to fire zone, to pick up and dropping water and other products over forest fire by ventral tank or external load systems and air traffic coordination in the fire area.
- **c) Mission risk.** It can describe firefighting with helicopters as mission risk because these flights are conducted in hostile environment due smoke, fire so with higher temperatures and consecutive lower air density, selecting unprepared landing sites, high level of external cargo per hour working at the maximum operational power in no adequate emergency places and high aerial traffic density in small space.
- **d) Firefighting National rules.**
- **Ø Spain: - R.D. 1684/2000, 06/10/2000. Establishing Firefighting rate.**
- **- RL/2001/10, 01/06/2001. Firefighting rate procedures.**
- **- ORDEN FOM/395/2007, 13/02/2007. Instructional Firefighting rules.**
- **Ø Portugal: - CIA 10/99, 17/05/1999. Using bucket in fires by helicopters.**

- - CIA 12/03, 11/06/2003. Instructional and training firefighting rules.
- e) Significant accidents reduction. Since Spanish CAA established firefighting rate we can confirm a substantial accident rate reduction in this kind of missions.

response *Noted*

Thank you for providing your comment.

The proposed three additional ratings (compared with JAR-FCL/additionally there will be also a flight test rating) are based on an evaluation of the existing ratings in the different Member States. Based on this evaluation, the drafting group decided to develop at this stage only requirements for aerobatic, towing, mountain and night ratings.

As there was no indication so far that further ratings are needed, the Agency will not introduce at this stage new elements which are not based on a proper safety assessment. However, it should be mentioned that the development of such a rating could be covered in the future by initiating an additional rulemaking task. As most of the proposed ratings will be used anyway only for commercial purposes (for fire-fighting this will be definitely the case), the OPS requirements will provide the necessary framework as a system of Standard Operating Procedures (SOPs) containing also minimum training requirements for each of the aerial work activities envisaged.

comment *814*

comment by: *Robert Corbin*

At present in this draft of the implementing rules there is no mention of the special requirement for gliders to be able to fly in clouds.

Glider pilots in the UK routinely fly in IMC for tactical reasons. Gliders use altitude (potential energy) as their fuel. They need it to get from one area of rising air to the next. If they have insufficient height then an out-landing not on an airfield may result. Such an event will significantly increase the risk of an accident due to the possibility of landing onto an unsuitable surface or hitting an unseen obstruction. In the UK there tends to be much lower cloud bases than found on the continent of Europe and there are few suitable mountains and ridges to use hill soaring techniques to sustain flight so the use of cloud flying is more common.

Statistics over the past 10 years have shown that there have been no mid air collisions in cloud between gliders and any other sort of aircraft whereas there are on average about 3 serious field landing accidents per year in the UK. (Glider Accidents in 2007, British Gliding Association)

I have proposed amendments to the rules regarding IR ratings to include rules for SPL or LPL(S).

An alternative is an additional rating for cloud flying:

#### **FCL.825 Cloud Flying**

(a) Holders of a pilot licence for sailplanes, powered sailplanes or MTG are only permitted to fly in cloud when they hold the appropriate rating.

(b) Applicants for a cloud flying rating shall have completed:

	<p>(1) at least 40 hours of flight time as pilot in command in a sailplane, powered sailplane or MTG.  (2) instruction appropriate for cloud flying;  (3) passed a skill test to demonstrate that the pilot can safely control the aircraft.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating.</p> <p>It was indicated in the Explanatory Note of NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task: FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>1074      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Comment:</b>  Clarifications.  Are these ratings valid forever?  Do we require a skill test for these ratings?  Shall these ratings be endorsed on the licence?</p> <p><b>Proposal:</b> It seems that something is missing in the requirement for these ratings.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your comment. The three questions have to be answered as follows:</p> <p>Regarding the validity, the question must be answered with 'Yes' as there has been foreseen an unlimited validity as long as the licence is valid.</p> <p>As the issue of the skill test was raised also by other comments in the different segments for the proposed ratings, the Agency carefully reviewed this proposal. Based on the fact that in several existing national regulations such a specific skill test is not mandatory and because of the reason that JAR-FCL never required such a skill test for the night qualification, the Agency decided also not to introduce such a skill test for the different ratings (exception: mountain rating) at this stage.</p> <p>However, it was decided to put the requirement for an ATO providing the training in the rule text and additionally to amend the qualification of the instructor (see FCL.905.FI Privileges). The Agency is of the opinion that these requirements will guarantee that the applicant for this rating will achieve a safe and competent standard.</p> <p>Regarding the question if such a rating will be endorsed on the licence the answer is 'Yes'. You will find further information in FCL.015(b).</p> <p>It should be highlighted that this 'system' or 'procedure' is not new as the</p>

night qualification in JAR-FCL:  
 - was valid for ever,  
 - had no skill test at the end of the training, and  
 - was usually endorsed on the licence.

comment 1469

comment by: Max

Proposal additional rating for cloud flights.

A cloud flight rating for sailplanes and TMG as usual in german airlaw is missing. It was no safetyproblem in germany. We filed a flightplan for controlled cloud flight. It was seperated from IFR by the ATC. Equipped with a transponder it hasn` t been a problem and has been permitted so far. We dont see any reason why this rating is missed. There was no accident history in germany in the past. There are a lot of german pilots with this rating. For this problem a solution should be found to enable them to continue cloud flying by crediting their existing ratings. Some kind of IMC rating like the existing one in the UK should be a appropriate solution. By getting basic experience in flying under IMC conditions the pilot skills would be improved and would make unintended flying in bad weather conditions much more safer.

response Noted

Thank you for providing your opinion.

It was already indicated in the Explanatory Note of NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 2052

comment by: Thomas SIEWERT

Wir vermissen bei den "additional ratings" die Wolkenflugberechtigung für Segelflieger?

Es sind aus unserer Sicht keine Gründe erkennbar - insbesondere keine signifikanten Unfallzahlen - die eine Abschaffung dieser Facette des Segelfluges rechtfertigen.

Wir bitten daher, die Aufnahme der Wolkenflugberechtigung (analog zum Par 85 LuftpersV) vorzusehen:

Wolkenflugberechtigung für Segelflugzeugführer

(1) Segelflugzeugführer bedürfen zum Führen von Segelflugzeugen in Wolken der Wolkenflugberechtigung.

(2) Fachliche Voraussetzung für den Erwerb der Wolkenflugberechtigung ist eine praktische Tätigkeit als verantwortlicher Segelflugzeugführer von 70 Flugstunden.

(3) In der Flugzeit nach Absatz 2 müssen mindestens 10 Stunden Instrumentenflugübungen ohne Sicht nach außen auf Segelflugzeugen oder Motorseglern in Begleitung eines Segelfluglehrers mit Wolkenflugberechtigung innerhalb der letzten 12 Monate vor Stellung des Antrages auf Erteilung der Berechtigung enthalten sein.

(4) Für Bewerber, die Inhaber der Berechtigung zur Durchführung kontrollierter Sichtflüge sind oder eine Lizenz nach JAR-FCL 1 deutsch besitzen, verringert sich die nach Absatz 3 nachzuweisende Flugzeit auf sechs Stunden.

(5) Für Bewerber, die Inhaber der Instrumentenflugberechtigung sind, tritt an die Stelle der nach Absatz 3 nachzuweisenden Flugzeit eine praktische Einweisung.

(6) Der Bewerber hat in einer praktischen Prüfung vor einem von der zuständigen Stelle bestimmten Prüfer nachzuweisen, dass er die zur Durchführung von Wolkenflügen notwendigen Fähigkeiten besitzt.

(7) Die Wolkenflugberechtigung wird im Luftfahrerschein eingetragen. Die Gültigkeit richtet sich nach der Gültigkeit der Lizenz.

response *Noted*

Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating for sailplane pilots.

It was indicated already in the Explanatory Note of NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment *2080 ❖*

comment by: *Markus Hitter / JAR-Contra*

We read your comment (48., p. 29) in NPA 2008-17a regarding cloud flying of sailplanes and look forward to see this implemented. Cloud flying is a substantial part of sailplane aviation and effectively disallowing this activity by requesting a full or near full IFR rating for it would be a severe set back.

response *Noted*

Thank you for providing your opinion.

It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment *2460*

comment by: *Irv Lee (Higherplane Aviation Training ltd)*

**An extra rating to be included for SPL, LPL, PPL, CPL, ATPL holders:**

**Basic Cloud Rating (Class F and G Airspace Only)**

Privileges: IMC flight in Class **F and G airspace** within an essentially VFR flight (VFR arrival and departure), when cloudbase  $\geq$  1000 feet above ground features within 5nm.

Validity: retest after 1st year, then retest every 2 years

Course length for powered aircraft (Gliders to be defined separately): minimum 10 hours course by Registered Facilities or FTOs, a total time which could include 'test time'. Formal declaration by RF or FTO of pupil 'ready for test', figures kept as to success rates for possible future review/use.

No INITIAL (for initial issue) testing by an examiner who has instructed this particular pupil for any part of the flight course. If pupil reaches 15 hours training, this triggers a formal documented school review of reasons why candidate not 'passed'. If pupil reaches 20 hours training without a pass, no test allowed without NAA (delegated) review.

Flight training (and test):

Full panel operation for flying (on instruments) all normal operation for upper airwork manoeuvres (including maintaining straight and level, and rate one turns, and an ability to execute steep turns but not encouraged as normal operation). Recoveries from unusual manoeuvres - eg: spiral dive, incipient stall). All these (normal or unusual) exercises to be flown to defined standards of level/heading keeping or turn rate or recovery after loss of normal safe operation (eg: spiral dive or incipient stall)

Limited and Partial Panel flying on instruments. Similar to above, but wider parameters for what is acceptable in terms of maintaining heading/level and emphasis on 'gently does it' rather than training to fly steep turns. Timed rate one turns / compass turns onto headings after DI failure.

Radio Nav position fixing and tracking to within defined standards

Ability to follow vectors and level alterations to a defined standard (simulated instructions supplied by instructor/examiner or real from radar)

Airmanship: (eg: coping, logging, safe decisions, planning etc)

Ground: Formal study of radio nav as appropriate to understanding panel and radio nav instruments and their use. IMC preflight planning, Met/weather and diversion revision. A single formal ground exam, no inclusion of any instrument approaches other than radar talkdown.

Aircraft Requirement: EASA 'certified' aircraft, minimum full working 6 standard instrument panel plus compass, OAT sensor, working vacuum gauge and ammeter, radio, Mode C, and sufficient radio navigation equipment to establish position in that area, which could mean anything from an ADF and DME to a properly installed GPS with current database and raim.

response

*Noted*

Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating for sailplane pilots.

It was indicated already in the Explanatory Note of NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment

3133

comment by: *Jim Ellis*

A rating equivalent to the UK IMC rating needs to be allowed for here. The IMC

	<p>rating has demonstrable flight safety benefits. I am aware that this issue is being looked at separately but it must not be lost sight of. It would be detrimental to flight safety for the IMC rating to be lost.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>It was indicated already in the Explanatory Note of NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task: FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>4277 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>The DAeC disagrees with the withdrawal of the cloud flying rating for sailplanes. No accident occurred by exercising this privilege during the last decades. We support the implementation of the working group FCL.008 to find an adequate solution.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>It was indicated in NPA 2008-17a already that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task, FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>4598 <span style="float: right;">comment by: <i>Deutscher Aero Club</i></span></p> <p>The cloud flying rating for glider pilots is missing</p> <p>Comment:  Cloud Flying ratings for glider pilots exist in many Member States (Austria, Czechia, Germany, UK, Ireland, Denmark, Sweden, Switzerland, Poland, Finland). There has never been any safety case justifying a removal of this privilege. We have the feeling that this rating has been removed from the initial proposals for purely political reasons because EASA does not want to develop a specific IMC rating for the LPL(A) licence. We would like to insist on the fact that the glider cloud flying rating has nothing to do with the IMC rating for instrument flying with powered aircraft. The removal of the cloud flying rating will have a serious impact on gliding and especially in the Northern European weather conditions. The removal of the privilege to fly close to, or where appropriate or necessary in cloud will have negative consequences on safety, operations and the economic viability of the sport. Therefore, the EGU asks EASA to reinstate the specific cloud flying rating in the implementing rules. The EGU acknowledges that this issue is now being addressed in FCL.008. The EGU hopes that a positive outcome will emerge from the FCL.008</p>

process and that the necessary changes to the Implementing Rules will be made on a timely basis to ensure that transition arrangements from national licences to EU licences can be all-embracing and not divided between 'non-cloud flying' and 'cloud flying'.

EGU Proposals:

In Subpart G, Instrument Rating – IR, Section 1 Common Requirements FCL.600 IR - General

(a) "Holders of a pilot licence shall only operate an aeroplane, helicopter or airship under IFR when ..... " ,

(b) "Holders of a pilot licence shall only operate a sailplane (sailplane or powered sailplane excluding TMG) within cloud when:

- (1) they hold a Sailplane Cloud Flying Rating and
- (2) within airspace categories according Member States' relevant airspace rules.

In Subpart I Additional Ratings FCL.8xx Sailplane Cloud Flying Rating (SCFR)

(a) If the privileges of a LPL(S) or SPL are to be exercised in IMC conditions, in accordance with Member States' relevant airspace rules, applicants shall have completed at least:

- (1) 30 hours as either pilot-in-command or dual flying in either sailplanes or powered sailplanes after issue of the licence; and
- (2) A course of theoretical knowledge instruction at an approved training organisation; and
- (3) 5 hours of dual instrument instruction time; and
- (4) A proficiency check with an instructor who holds the SCFR.

(b) The privileges of the SCFR may not be exercised in a TMG.

(c) The SCFR shall be valid for a period of 24 months. For revalidation and renewal, the applicant shall comply with the requirement in (a) (4) above.

response

*Noted*

Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating for sailplane pilots.

It was indicated in NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment

4718

comment by: *Andrew Butterfield*

Glider aerobatic flights are very short, especially at a winch launch site, say 5 minutes, so it would 60 flights to complete 5hrs and the pilot may only want to learn one maneuver eg. loops and also the glider may only be rated to do only loops.

5hrs may be more appropriate for the full routine of advanced aerobatics including inverted and rolling maneuvers in an unlimited glider.

It seems like an all or nothing rating with nothing in between which would stop a lot of pilots improving their skills be learning only mild aerobatics.

response

*Noted*

Thank you for providing your opinion.

Your first comment deals with the proposed instruction of 5 hours. It should be highlighted that the Agency is aware that 'at a winch launch site' with only '5 minutes flights' no aerobatic instruction will be provided during these short flights.

The training concept and syllabus is clearly based on an aerotow (or a winch launch but supported by climbing in thermals or by using the ridge in the beginning of the flight) to e.g. 1200 m (4000 ft) above ground in order to have the necessary time for some aerobatic instruction. The total time of these aerobatic training flights is usually much higher than the mentioned 5 minutes (estimation used for the drafting of these requirements: 10-15 minutes), but if you count only the 'real' aerobatic training time (by deducting the non-aerobatic flight time) you might be right with such a low amount of aerobatic instruction time during one instruction flight within a sailplane. Taking this low amount of aerobatic instruction time during a specific flight into account, the Agency agrees that it will be very difficult to reach the required 5 hours instruction time. But this shows on the other hand clearly that 10 flights of 5 minutes aerobatic training each in a sailplane will not be sufficient to cover the whole syllabus and to reach the required level.

Based on this calculation and on a careful review of all the comments received, the Agency will change the requirements in order to reflect the specific situation for aerobatic instruction in sailplanes. Please see the responses provided in the specific segment for FCL.800 and check also the resulting text. (See response to comment No 86 (BGA) in that segment)

Regarding your second issue, it must also be pointed out that the Agency does not envisage to create a different level of aerobatic ratings. The idea was always to create a basic aerobatic rating including some defined specific exercises which you will find in the AMC material. If there is a need for advanced aerobatic instruction or specific training for exercises which are not part of this training syllabus, this can be added on the basis of additional training with an LAFI or FI qualified for these specific items. The Agency does not see a need for different level of aerobatic licences. Please see also the responses provided to FCL.800.

comment

4902

comment by: *Chris Gowers*

Add, Formation Rating Para as follows:

**"FCL.801 Formation Rating**

(a) Holders of a pilot licence for aeroplanes, helicopters or sailplanes shall only undertake formation flights when they hold the appropriate rating.

(b) Applicants for a formation rating shall have completed:

(1) at least 40 hours of flight time as pilot in command in the appropriate aircraft category;

(2) theoretical knowledge instruction appropriate for the rating;

(3) 5 hours of dual close formation instruction time.

(c) The privileges of the formation rating shall be limited to the aircraft category in which the flight instruction was completed. This limitation may be withdrawn and the privileges extended to another category of aircraft if the pilot holds a valid licence for that aircraft category and has successfully completed at least one dual familiarization flight with an instructor holding an formation rating for that category of aircraft."

**In the same way as there is a need for pilots to be properly trained before they fly aerobatics, there is equally a need to train before being cleared to fly formation. A similar course to that for aerobatics should be appropriate and a minimum of 5 hours should be sufficient.**

response *Not accepted*

Thank you for providing your comment.

The proposed three additional ratings (compared with JAR-FCL) are based on an evaluation of the existing ratings in the different Member States. Based on this evaluation, the drafting group decided to develop at this stage only requirements for aerobatic, towing, mountain and night ratings.

As there was no indication so far that further ratings (like the one you propose) are needed, the Agency will not introduce at this stage new elements which are not based on a proper safety assessment.

However, it should be mentioned that the development of such a rating could be covered in the future by initiating an additional rulemaking task. As most of these additional ratings mentioned in the comments will be used anyway only for commercial purposes (for formation flights this might not be the case), the OPS requirements will provide the necessary framework as a system of Standard Operating Procedures (SOPs) containing also minimum training requirements for each of the aerial work activities envisaged.

comment 4990

comment by: *ECA- European Cockpit Association*

Ratings of Towing and Banners cannot be flown by any pilot not holding a CPL as a minimum. CPL brings with it greater knowledge and experience. ECA considers that any lower license does not assure the minimum knowledge and skills to safely perform these activities. The likelihood of these organisations or operators (doing these activities) not being commercial operators is so low, there is no justification to let PPLs to perform this high risk activities.

response *Not accepted*

Thank you for providing your comment.

The Agency is of the opinion that the rating contained in this subpart should not be linked with a commercial licence. Most of these activities (aerobatics/night flying/sailplane towing) could also be exercised as a pure private or 'club-based' operation without any remuneration for the licence holder.

The feedback received from several Member States shows that most of these countries have not linked this kind of ratings with any commercial licence or CPL theoretical knowledge requirement. The Agency considers the LPL or PPL/SPL/BPL level as sufficient to hold such a rating.

comment 5371

comment by: *CAA Belgium*

**Comment:**

Clarifications.

Are these ratings valid forever?

	<p>Do we require a skill test for these ratings? Shall these ratings be endorsed on the licence?</p> <p><b>Proposal:</b> It seems that something is missing in the requirement for these ratings.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. See response provided to comment No 1074 in the same segment above.</p>
comment	<p><b>5807</b> <span style="float: right;">comment by: <i>UK Department for Transport</i></span></p> <p>The UK Department for Transport supports the development of the additional rating for flight in Instrument Meteorological Conditions and a rating for cloud flying for sailplanes, as being studied by the rule making group FCL.008.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>It was indicated already in the Explanatory Note of NPA 2008-17a that this issue is currently being discussed in a separate rulemaking task: FCL.008. During the transfer of the JAR-FCL requirements into the proposals for EASA Implementing Rules, the Agency came to the conclusion that the existing requirements for the Instrument Rating should be reviewed taking also into account the existing national requirements for qualifications to fly in IMC (like the UK IMC rating or the cloud flying rating for sailplane pilots).</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Instrument Rating or cloud flying with sailplanes will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p><b>5865</b> <span style="float: right;">comment by: <i>EFLEVA</i></span></p> <p>EFLEVA is of the opinion that operation of seaplanes and aeroplanes on floats should require a separate rating.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>The requirements for the seaplane rating are contained in subpart H 'Class and Type Ratings'. Please see the responses provided to FCL.725.A and check also the resulting text and the AMC material to FCL.725.A as an additional AMC for the seaplane rating was included.</p>
comment	<p><b>6097</b> <span style="float: right;">comment by: <i>DC-AL</i></span></p> <p>There needs to be an additional rating to allow flight in conditions below VFR minima outside controlled airspace (or preferably also in Class D airspace) for trained pilots with a PPL who do not possess a full IR. If the whole of Europe does not believe this is necessary, the facility should be available for such a rating to be allowed within individual states, because the particular weather</p>

and terrain conditions in the UK require the ability to climb into cloud when necessary in order to prevent CFIT during business flights by those pilots trained for that manoeuvre, rather than having to make a precautionary landing.

response *Noted*

Thank you for providing your opinion.

First of all it has to be mentioned that flights in conditions below VFR minima must be considered as flights in Instrument Meteorological Conditions (IMC).

It was indicated already in the Explanatory Note of NPA 2008-17a that the issue of qualifications for flying in IMC is currently being discussed in a separate Rulemaking task: FCL.008. During the transfer of the JAR-FCL requirements into the proposals for EASA Implementing Rules, the Agency came to the conclusion that the existing requirements for the Instrument Rating should be reviewed.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Instrument Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 6340

comment by: *Swedish Soaring Federation*

The cloud flying rating for glider pilots is missing

Comment: Cloud Flying ratings for glider pilots exist in Sweden. This rating is only for the purpose to gain height in a separate cloud with help of thermal conditions. Take-off and landing shall be made in VFR-conditions. Holders of a pilot license shall only operate sailplane (sailplane or powered sailplane excluding TMG) The removal of the cloud flying rating will have a serious impact on gliding and especially in our country. Therefore, Swedish Soaring Federation asks EASA to reinstate the specific cloud flying rating in the implementing rules.

response *Noted*

Thank you for providing your opinion.

It was indicated in NPA 2008-17a that the issue of a cloud flying rating for sailplane pilots is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 6546

comment by: *Michael GREINER*

Dear Sirs and Madams,

A rating for cloud flying is missing. Cloud flying with gliders might not be very common in some countries, in other countries it would give an uproar among

glider pilots, due to the otherwise unfortunate weather conditions. I do not know whether some EASA-compatible operational procedures would still have to be found, but one should not close the door a priori.

Kind regards,  
Michael Greiner

response *Noted*

Thank you for providing your opinion.

It was indicated in NPA 2008-17a that the issue of a cloud flying rating for sailplane pilots is currently being discussed in a separate Rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment *6908*

comment by: *CAA CZ*

It is not clear whether ratings Aerobatic, Towing, Mountain can also be obtained by a holder of a LAPL.

response *Noted*

Thank you for providing your opinion.

The requirement under (a) for all the ratings states: 'Holders of a pilot licence for...'. This indicates clearly that all kind of pilot licences will allow the licence holder to obtain such a rating.

comment *7182*

comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

Cloud flying rating for pure (unpowered) sailplanes is completely missing and shall be added back, not mixing this special form of gliding sports for altitude flights to a heavy instrument rating of powered aeroplanes. Syllabus for training for this special rating is, or can be made, available by the European Gliding Union (EGU).

Justification:

Cloud flying rating and flying by unpowered sailplanes inside separate convection clouds in thermal conditions for gaining altitudes for F.A.I –gliding sport certificates (like Gold C –badge and its diamonds) has been recognized in numerous of an EU countries. In order to separate this special rating and operation with it from a powered aircraft operations, powered sailplanes and TMG´s shall be ruled out by appropriate requirements focusing pure sailplanes only.

Proposed text:

Add the the following additional rating:

FCL.8xx Sailplane cloud flying rating

(a) Holders of a pilot licence for sailplanes shall only undertake cloud flying flights by unpowered sailplane when they hold the appropriate rating.

	<p>(b) Applicants for a cloud flying rating shall have completed:</p> <p>(1) at least 50 hours of flight time as pilot-in-command by sailplanes or powered sailplanes after the issue of the license;</p> <p>(2) theoretical knowledge instruction appropriate for the rating;</p> <p>(3) 5 hours of dual flight instruction time by unpowered sailplanes solely by reference with instruments, including at least 30 minutes flight time in a real cloud;</p> <p>(c) The privileges of the cloud flying rating shall be limited to the unpowered sailplanes only.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion containing a proposal for a future Cloud Flying Rating for sailplane pilots.</p> <p>It was indicated in NPA 2008-17a that this issue is currently being discussed in a separate Rulemaking task: FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p><b>7657</b> <span style="float: right;">comment by: <i>Cristian Olinescu</i></span></p> <p>Are these additional ratings valid forever? Are there any requirements to maintain these ratings ?</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion. See the response provided to comment No 1074 in the same segment above.</p>
comment	<p><b>8078</b> <span style="float: right;">comment by: <i>European Sailplane Manufacturers</i></span></p> <p>The sailplane manufacturers agree that the test flying ratings are not asked for for sailplanes. This in in depth commented in the according NPA 2008-20.</p> <p>The manufacturers miss the possibility to conduct cloud flying with sailplanes. This has been done until now and the regarding possibilities exist on the technical and also on the training side. This should be included into the regulation.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion on the test flight qualification for sailplanes and the cloud flying rating for sailplane pilots.</p> <p>It was indicated in NPA 2008-17a that this issue is currently being discussed in a separate rulemaking task: FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>

For the responses and the final text of the flight test rating, please see the responses provided to the appropriate segment.

comment **8217** comment by: *Airport Sweden*

Swedish Airports also points out the irrelevance of the regulations regarding TMG, as a glider instructor may issue a rating to fly a TMG if it is flown as a "glider" – but cannot do the same if it is flown as TMG... It is, after all, the same aircraft and is operated the same way regardless if it flown as a glider or TMG.

response **Noted**

Thank you for providing this comment, but the Agency does not understand the meaning behind this comment.

The Subpart I is dealing with different kinds of additional ratings. The comment seems to address a specific problem with the TMG class rating (which is contained in Subpart H) or the TMG extension which is a specific extension for LPL(A) or LPL(S) pilots.

The Agency cannot understand why the comment mentions some kind of 'irrelevance of the regulations regarding TMG'. An LAFI(S) holding a TMG extension is allowed to provide training for a TMG extension according to FCL.135.S. An FI(S) with a TMG extension is allowed to provide the necessary training for the TMG extension according to FCL.225.S.

Due to its certification basis, a TMG is a powered sailplane but the way the TMG can be used is very close to an aeroplane operation. Therefore, this additional training for the extension was developed. The experts and the Agency therefore do not agree with the statement that the TMG is operated the same way as a pure sailplane.

comment **8219** comment by: *Swedish Seaplane Association (SSA) and Seaplane pilot Associations Federation of Europe (SAFE)*

We want to point out that the regulations for SEP Land and Sea, as well as TMG, should be respected equally in all aspects, e.g. training to achieve a rating and revalidation. When airborne, it is no difference if you have wheels, skis or floats beneath the belly of the aircraft. The only difference we find acceptable is that the 12 landings should be made on the relevant class, e.g. land or sea. (Ref: *When the applicant holds both a single engine piston class rating and a touring motor glider rating, he/she may complete the requirements of the paragraph in either class and achieve revalidation of both ratings.*) The training flight, or PC, can be made either in a seaplane or land plane if the applicant holds both these ratings and will count for both ratings if the required numbers of landings are fulfilled.

response **Noted**

Thank you for providing your opinion.

The Agency agrees that in most of the requirements when general expressions like '10 hours of flight time in aeroplanes' or '8 take-offs and landings on a TMG' are used no distinction has been made between 'land' or 'sea' operation.

Regarding the revalidation of a specific class rating, please see the responses provided in subpart H dealing with class and type ratings.

FCL.725.A contains the single-pilot sea rating for aeroplanes and you will find the revalidation criteria in FCL.740.A which are mainly based on the already existing JAR-FCL requirements. As the land and sea rating are two different ratings, the revalidation criteria should be completed in each class.

comment

8259

comment by: *Queen's University Gliding Club*

[This comment has also been copied to NPAs 2008-17a and 2008-17c]

Dear Sir/Madam,

I am the writing on behalf of the Queen's University Gliding Club, Northern Ireland as Treasurer in relation to the EASA proposals for licensing, medical requirements and privileges detailed in NPA 2008-17.

Our University Gliding Club has currently around 65 members, the vast majority of which are students. I would like to bring to your attention several of the proposals in NPA 2008-17 which very likely to affect the viability of continuing operation of our club. I chose to respond by letter as the comment response tool did not offer the flexibility required to fully express our situation and viewpoint.

From reading the proposed document, it was very unclear as to how the medical requirements might be fulfilled. We feel it is necessary that the GP medical is recognised, as a requirement to visit an AME would prohibit many of our members going solo due to expense.

Secondly, the removal of cloud flying privileges will affect the sport in many ways. Reduction of the height band within which we can operate will adversely affect safety, as this more constricted airspace will now be shared with GA traffic. In addition, cloud base is generally much lower in the UK including Northern Ireland than mainland Europe. As a result, much of the glider pilot's time will be in selecting fields as opposed soaring.

**These two issues alone will discourage many from participating which will have a serious impact on our club and could lead to its demise.**

Our club fully supports the BGA's viewpoint on all of the remaining issues they have raised, including the minima for aerotowing and aerobatics which seem excessive; the removal of the Basic Instructor rating which will affect hundreds of volunteer instructors across the UK with no clear statement of how this will integrate into the new licence categories, and the existence of two licences with identical instructional requirements yet different instructor privileges: LPL (S) and SPL.

We are very disappointed that the above matters concerning glider pilots have not been given more thought by EASA, as in addition to the problems stated, the transition process alone has caused a considerable amount of hassle and incurred significant costs for the club through the submission of a great deal of paperwork.

I would like to see a resolution to the above issues with the goal of promoting

the sport of gliding within the UK, such that it continues to attract participants as it has done for many years.

Yours faithfully,  
David Lisk (Treasurer)

Aby Rushton (Chairperson)

response

*Noted*

The Agency acknowledges your opinion and the information provided.

As regards your first point on the medical, the Agency confirms that the NPA proposal includes, in accordance with article 7(2) of the Basic Regulation, the possibility for the LPL (S) of a medical certificate based on medical history and that may be issued by GMPs if permitted under national law. For those who wish to have commercial activities and/or to fly outside Europe, there is also a possibility to apply for a sailplane licence (SPL) with such privileges in accordance with ICAO, thus requiring a Class 2 medical certificate to be issued by an AME or AeMC.

As regards your second point, the issue of cloud flying and IMC conditions is currently being discussed within the scope of a separate rulemaking task: FCL.008. This was already indicated in the Explanatory Note of NPA 2008-17a. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

Some other issues are mentioned very briefly in your comment. With a general reference to one of the BGA comments but without proposing any change, the requirements for the towing rating, the aerobatic rating, the categories of instructors and the proposal for two systems of sailplane licences are criticised. Please check the responses given by the Agency to the BGA comments in the appropriate segments.

The Agency would like to highlight that the proposals for the different ratings are based on an evaluation of the existing requirements in different Member States. Taking into account the comments received, some of the prerequisites for the different ratings will be amended. See also the responses provided in the different sections (e.g. response to comment No 86 (BGA) in the segment for FCL.800).

Regarding your comment on the different categories of instructors, it should be highlighted that the Agency has proposed an LAFI category which should fulfil the needs of a 'Basic Instructor' category. The conversion of national licences or instructor ratings will be done by the Member States based on a conversion report.

**B. Draft Opinion Part-FCL — Subpart I: Additional Ratings — FCL.800  
Aerobatic rating**

p. 42

comment

86

comment by: *British Gliding Association*

FCL.800 Aerobatic rating (Page 42)

*Comment:*

*1. UK sporting gliding has many decades' experience of safe aerobatic flying.*

*Our pilots do not currently require a rating. Their training is monitored by local practices and rules but does follow a national syllabus*

*2. Many pilots only ever aspire to an elementary level of aerobatics which is well below that required in the AMC. We believe, therefore, that the requirement for training is set at far too high a level for sailplane pilots - and seems to be largely informed by the powered flying requirements. In addition, there are only very few training sailplanes available which are permitted to fly the range of manoeuvres proposed in 4.1*

*3. We also have reservations about the requirements for hours. There is enormous variety in the way that aerobatic instruction time can be logged. On one extreme, the entire block to block time for an aerobatic sortie is claimed; in contrast, some only claim the time spent actually manoeuvring. Specifying training in terms of hours is thus quite inappropriate for sailplanes. For sailplanes, the number of instructional aerobatic flights is a more meaningful figure.*

*4. In addition, sailplane aerobatics must take place at the airfield, making supervised solo a valuable option.*

### **BGA Proposal**

#### **1. FCL.800 (b)**

**(1) to read: at least 40 hours (20 hours for sailplanes) as pilot-in-command in the appropriate aircraft category**

**(3) to read: 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)**

**Add a further paragraph**

**(4) (sailplanes only) a proficiency check with an instructor who holds the rating., 4.1.(S)**

response

*Partially accepted*

Thank you for providing your opinion.

The Agency agrees that the 5 hours proposal for the amount of flight instruction to be received seems not to be an adequate minimum requirement for aerobatic training on sailplanes although this is the current practice and agreed standard in several Member States.

The proposal was based on the calculation that the total flight time of these aerobatic training flights in sailplanes usually would be around 15 minutes taking into account that the 'pure' aerobatic training time (by deducting the non-aerobatic flight time) will be much lower. As for the flight preparation, the pre-flight checks as well as the towing procedure to a specified aerobatic training area ('box') and maybe also the landing circuit (by using for example the 'side slip' exercise in final), the Agency's calculation of the instruction flight time was always based on the total amount of flight time. Based on the mentioned 15 minutes average for such an aerobatic training flight in a sailplane, 15-20 training flights were considered to be necessary to reach the required level which resulted in the proposed '5 hour' requirement.

Taking into account now that only this low amount of 'real' aerobatic instruction time during such a flight is counted by some stakeholders (and it seems that most of the comments did it when criticising the Agency's proposal as inadequate for sailplane aerobatic training), this proposed requirement could cause some irritation. But the above-mentioned calculation shows also clearly that 10 flights (of 5 minutes aerobatic training) in a sailplane will not be

sufficient to cover the whole syllabus and to reach the required level for flying safely aerobatics.

Based on this calculation and on a careful review of all the comments received, the Agency will change the requirement and introduce an alternative requirement asking for 20 dual or solo (as proposed by a lot of comments) aerobatic instruction flights in order to reflect the specific situation for aerobatic instruction in sailplanes. Please see the other responses provided (e.g. to comment No 425 BAeA Chairman) and check also the resulting text.

Concerning the proposed prerequisites, the Agency reviewed all the comments received and decided to keep the 40-hours minimum experience after licence issue in order to make clear that a licence holder should have gained some minimum experience before starting with the training for this aerobatic rating. It is the opinion of the Agency that such an experience is urgently needed to cope with all the exercises contained in the training syllabus (please see the resulting text and the response provided to your comment on the AMC material). In order to address the specific case of sailplane operations, the Agency will also include an alternative amount of 120 launches after licence issue.

Your third comment is providing a proposal to introduce 'a proficiency check with an instructor'. As already explained in other responses dealing with the issue of proficiency checks, it must be pointed out that skill tests and proficiency checks cannot be conducted by instructors (please see also the additional definitions for these terms in FCL.010). If such a check or test would be introduced, only the examiner would be allowed to conduct it. The Agency reviewed all the comments dealing with this issue and came to the conclusion not to add such an additional skill test or proficiency check after the completion of the aerobatic training. Please see also the response to comment No 517 (FOCA Switzerland) in the same segment below.

comment

130

comment by: *Robert Corbin*

FCL.800(a) The basic LPL(S) for glider pilots should include the basic aeronautical manoeuvres Spin, Loop and Chandell without the need for an Aerobatic rating.

response

*Not accepted*

Thank you for providing your opinion.

The Agency would like to highlight that the NPA 2008-17b does not contain a proposal for a Basic LPL for sailplane pilots.

In addition to this, the Agency does not agree that the mentioned aerobatic manoeuvres should be included in the training syllabus for the LPL(S) or the SPL. The Agency is of the opinion that before starting with the aerobatic training a licence holder should gain further experience. This view is clearly supported by the sailplane licencing experts.

comment

158

comment by: *Nick Wilcock*

JAR-FCL does not recognise any requirement for any 'Aerobatic Rating'. Since the EASA definition of an 'aerobatic manoeuvre' includes abnormal attitudes not necessary for normal flight, it could be taken that any unusual attitude recovery training (e.g. during limited panel instrument flight training or

recovery from a spiral dive) would require the instructor to hold an aerobatic rating.  
 FCL.800 does not appear to include any accreditation for pilots who already fly aerobatics.  
 I consider that FCL.800 is completely unnecessary and should be deleted in toto.

response

*Not accepted*

Thank you for providing your opinion.

However, the Agency does not agree with the proposal to delete FCL.800. After having completed an evaluation of the requirements for the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying was considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe.

Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

The comment is right when stating that the definition of aerobatic manoeuvres must be changed or clarified to allow the training of unusual attitude recovery (stall-/spin-/spiral dive recovery) without classifying this as aerobatic training but as part of the normal basic flight training. The Agency agrees and the definition for aerobatics in FCL.010 will be amended in order to make clear that intentional manoeuvres involving an abrupt change in an aircraft's attitude or any abnormal attitude when they are necessary for instruction for licences or ratings other than the aerobatic rating, will not be classified as 'aerobatic flight'. This means also that instructors do not need to hold an aerobatic rating in order to provide training for unusual or abnormal attitudes like stalling or spinning exercises.

The conversion of existing national ratings into the new system will be defined later on in the Cover Regulation and will be performed by the Member States during the conversion process of the national licences. The Agency is of the opinion that existing aerobatic ratings should be transferred into the new system without any change of the privileges.

comment

186

comment by: *Aero-Club of Switzerland*

We think FCL.800 (b) (1) is to be deleted.

Justification: No one will undertake aerobatic flights without adequate training, but not for every pilot 40 hours are necessary, there are talents who achieve a sufficient level much earlier.

FCL.800 (b) (3)

5 hours dual aerobatic instruction time for glider is not appropriate. Please replace 5 hours by 10 flights dual instruction for gliding.  
 Justification: Long tows are not helpful for the aerobatic formation. Only the number of aerobatic trainings count. 10 flights are sufficient for a basic aerobatic formation.

	<p>Other possibility: Add under (b) (4) Demonstrate as a Minimum the following figures in a little aerobatic program; spin and recovery, Loop, roll (left &amp; right), half cuban eight (left &amp; right), immelmann (left &amp; right) hammerhead turn and 10 sec. inverted flight, if it possible with the training aircraft.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Regarding your first two comments on the issue of the prerequisites for starting with the aerobatic instruction and on the proposed amount of training, please see the response provided to comment No 86 (British Gliding Association) in the same segment above.</p> <p>Concerning your proposal to mention some specific aerobatic manoeuvres in the rule text, the Agency does not agree. The system of keeping some flexibility should be kept and all the practical exercises should stay in the AMC material. Please see also the responses on the AMC to FCL.800 and the resulting text.</p>
comment	<p>425 <span style="float: right;">comment by: <i>BAeA Chairman</i></span></p> <p>Attachment <a href="#">#39</a></p> <p>The flying-hour based requirements are inappropriate for sailplane aerobatics. They should be based on a number of launches or on the ability to perform the exercises, not just on a number of hours. Aerobatic flights in sailplanes are generally very short! Further comments are included in an attached document.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion and sending the detailed working paper attached dealing mainly with the content of the AMC.</p> <p>The Agency agrees that the 5 hours proposal for the amount of flight instruction to be received seems not to be an adequate minimum requirement for aerobatic training on sailplanes although this is the current practice in several Member States.</p> <p>The proposal was based on the calculation that the total flight time of these aerobatic training flights in sailplanes usually would be around 15 minutes taking into account that the 'pure' aerobatic training time (by deducting the non-aerobatic flight time) will be much lower. As for the flight preparation, the pre-flight checks as well as the towing procedure to a specified aerobatic training area ('box') and maybe also the landing circuit (by using for example the 'side slip' exercise in final), the Agency's calculation of this flight time was always based on the total amount of flight time. Based on the mentioned 15 minutes average for such an aerobatic training flight in a sailplane, 20 training flights were considered to be necessary to reach the required level which resulted in the proposed '5 hour' requirement.</p> <p>Taking into account now only this low amount of 'real' aerobatic instruction time during such a flight (and it seems that most of the comments did it when criticising the Agency's proposal as not adequate for sailplane aerobatic training), the Agency agrees that this could cause some irritation. But the</p>

above-mentioned calculation shows also clearly that 10 flights of 5 minutes aerobatic training in a sailplane will not be sufficient to cover the whole syllabus and to reach the required level.

Based on this calculation and on a careful review of all the comments received the Agency will change to requirements and introduce a certain amount of training flights as an alternative in order to reflect the specific situation for aerobatic instruction in sailplanes. Please see the responses provided and check also the resulting text.

Regarding your detailed comments on the AMC to FCL.800 please see the responses provided in the appropriate segment and check the resulting text for the AMC (items 3.4 and 4.1 will be amended).

See also the response provided to comment No 86 (BGA) in the same segment above.

comment

428

comment by: *Ian Scott*

40 hours pilot in command is far too high. All pilots should be encouraged to learn at least basic aerobatics and this would be an excellent rating to undergo soon after qualifying. As a flight safety matter pilots who have completed an aerobatic course are far less likely to be involved in a stall/spin accident (a pilot who regularly practices aerobatics would never be involved in such an accident).

As long as they pass the relevant course for the rating after qualifying as a pilot on the appropriate aircraft category then they should be allowed to carry out aerobatic manoeuvres.

Re-write (b) (1) Must hold a valid licence for the appropriate aircraft category.

From the sailplane point of view the 5 hours instruction requirement is meaningless. It is unlikely that any flight involving aerobatics would be longer than 15 minutes (including the tow up). This requirement should be replaced either with a number of flights involving aerobatics (around 10) or simply a requirement that the instructor is happy that the student is competent and safe to carry out the figures.

response

*Noted*

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment

517

comment by: *FOCA Switzerland*

I/ Additional ratings

FCL.800

Proposals:

- **(b)(1) 40 hours experience to low, minimum 100 hrs**
- **(b)(3) 5 hrs (aeroplane or helicopters) or 3 hrs (sailplanes) or dual aerobatic instruction time.**
- **(c) .. has successfully completed dual familiarisation with an instructor .. and passed a skill-test.**

response

*Not accepted*

Thank you for providing your opinion.

As regards to your statement on the prerequisites for the aerobatic rating and the proposal to lower the required aerobatic instruction time for flight training on sailplanes, please see the response provided to comment No 86 (BGA) in the same segment above.

Your third comment proposes to introduce a skill test in (c) which would be then only the case for an extension of the rating to another category of aircraft. As this issue was raised also in other comments as a general item for all the ratings, the Agency carefully reviewed this proposal. Based on the fact that in several existing national regulations such a specific skill test is not mandatory and because of the reason that JAR-FCL never required such a skill test for the night qualification, the Agency decided also not to introduce such a skill test for the aerobatic rating at this stage.

It was decided to ask for an ATO providing the training and additionally to amend the privileges of the instructor (see FCL.905.FI). The Agency is of the opinion that with these requirements guarantee that the applicant for this rating will achieve a safe and competent standard without such a skill test.

comment

546

comment by: *Norwegian Air Sports Federation*

The aerobatic rating should only be issued by an approved training organisation, with certified aerobatic instructors performing training according to approved training programs.

Experience shows that a fresh PPL pilot with a valid license can start aerobatic training and fly as good as more experienced pilots. Aerobatics used to be part of basic flying training in the old days and still is in military training. As such the proposed requirement for 40 hours PIC should be deleted. 5 hours of dual instruction is undoubtedly insufficient in order to reach a minimum skill level. Experience shows that a minimum of 10 hours dual aerobatic instruction time is required. The majority of students require closer to 15 hours training to cover confidence manoeuvres, recoveries and basic aerobatic manoeuvres.

Revise para (c) in line with requirement for certified aerobatic instructor.

response

*Partially accepted*

Thank your for providing your opinion.

As for your statement No 1, the Agency agrees and will change the requirement in order to require that the training must be provided at an ATO. The system as proposed is already based on certified instructors with sufficient experience to provide aerobatic instruction (see the amended text for the FI privileges in FCL.905.FI/demonstration of the ability has to be done). You will find the training program in the AMC material.

As regards to your second comment (prerequisites), please see the response provided to comment No 86 (BGA) in the same segment above.

Your proposal to require 10 hours of dual aerobatic instruction has been discussed but the Agency does not intend to raise the proposed numbers. Based on the evaluation of the existing national requirements and the feedback from the experts, the Agency will keep the proposed minimum amount of 5 hours as this has been sufficient in most cases in the past. In order to make

clear that further instruction time has to be added if the syllabus for the aerobatic exercises has not been completed, the term 'at least' will be added in ((b)(3).

Your last comment is aiming at the privileges of the instructor. Please see the responses provided to the comments in the segment for FCL.905.FI and check also the resulting text.

comment 796

comment by: *Robert Cronk*

(1) - 'Aerobatics' might be defined to include spinning, which remains an essential part of glider pilot training.  
 (2) - Most modern training gliders are very strong and capable of basic positive G figures (loop, chandelle, wing-over) quite safely by pilots who have not been trained, and who have no wish to fly, more advanced figures involving negative G such as rolls, inverted flight etc. I fully agree that such ADVANCED aerobatics should be flown only after appropriate aerobatic instruction time - but 5 hours in-flight dual instruction is way beyond what is needed to be taught to fly simple positive G figures safely.  
 (3) 5 hours of dual aerobatic time in a glider represents at least 25 flights, costing in terms of launch costs only, around £1250. A standard should be set, and when reached, that should be enough to gain the rating. If the standard is reached after a course of say 10 flights, to be prevented from practicing any figures solo would not be right. Aerobatic courses are generally offered by specialists in a small number of locations only, so this requirement would prevent pilots who have successfully completed a course of instruction and have reached a safe standard, from being able to practice further at their own club. A more reasonable requirement would be a specific minimum number of aerobatic flights, which could include solo supervised flights.

response *Noted*

Thank your for providing your opinion.

Please see the response provided to the comments No 86 (BGA) and No 158 (N. Wilcock/definition of aerobatic flight) in the same segment above.

comment 889

comment by: *Geschäftsführer Luftsportverband RP*

Man darf die Regeln nicht im Vorfeld verteuern vorgeben. Talent muss gefördert werden und überall ist ein Prüfungsflug für das Gerlernte das Maß zum Bestehen. Gerade im Kunstflug werden sehr oft Einsitzer (Lo 100) oder einsitzige Motorflugzeuge in die Ausbildung mit eingesetzt.

Satz (b) (3) ändern auf 5 hours aerobatic instruction time

Somit kann auch unter Aufsicht auf einem Einsitzer ausgebildet werden.

response *Accepted*

Thank you for providing this comment.

The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.

comment 929

comment by: *guy Corbett*

Simple aerobatics (loops, chandelles, stall turns and spins) above 1500' agl should be allowed as part of the main licence without endorsement. The theoretical knowledge required should be part of the licence.

For advanced aerobatics 5 hours of dual aerobatic time is excessive for gliders as it represents > 30 aerobatic flights. 20 dual or solo under instruction supervision aerobatic flights should be sufficient

response *Noted*

Thank you for providing your opinion.

However, the Agency does not agree with your proposal and is definitely of the opinion that the licence holder when having passed his/her skill test (e.g. with only 15 hours total flight time), should not be allowed to perform loopings or chandelles with her/his sailplane. The Agency does not see a need to include the training of these exercises in the syllabus for the LPL or SPL and on the other hand does consider that a certain amount of aerobatic instruction is necessary to perform these aerobatic manoeuvres. This means that an SPL pilot will only be allowed to perform the mentioned aerobatic manoeuvres when holding an aerobatic rating.

Regarding the Agency's proposal of 5 hours flight time, please see the response already provided to comment No 86 (BGA) in the same segment above.

comment 945

comment by: *Colin Field (UK Glider Pilot)*

Aerobatic training for glider pilots is very different to that of powered aircraft, and the regulations should show this.

Since many pilots only wish to be sufficiently qualified to perform basic manoeuvres such as chandelle and loop, this should not require any more than a check flight with an instructor to ascertain that the pilot is performing these correctly.

response *Noted*

Thank you for providing your opinion.

Please see also the response provided to comment No 929 (G. Corbett) in the same segment above.

The Agency does not agree with your statement and the proposal to introduce only some kind of a check flight without any aerobatic training before. After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic flying is considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe.

Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

comment 969

comment by: *Alastair MacGregor*

	<p>This is not practical. Glider aeobatics are easily supervised by the gliding club. Most glider aeobatics are simple manoeuvres which are easily learnt and do not require a rating.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>Please see also the responses provided to comments No 929 (G. Corbett) and No 945 (C. Field) in the same segment above.</p>
comment	<p>1073      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i></p> <p><b>Comment:</b> According to our experience, 5 hours of training is too little. It's not possible to carry out all exercises within 5 hours. Today, we require 10 hours for the same programme and our experience shows that most of the applicants need about 12 hours.</p> <p><b>Proposal:</b> (3) 10 hours of dual aerobatic instruction time</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Your proposal to require 10 hours of dual aerobatic instruction has been discussed, but the Agency does not intend to raise the proposed numbers. Based on the evaluation of the existing national requirements and the feedback from the experts, the Agency will keep the proposed minimum amount of 5 hours as this has been shown to be sufficient in most cases. In order to make clear that further instruction time has to be added if the syllabus for the aerobatic exercises has not been completed or if the applicant has not achieved a safe and competent standard (please see AMC material), the term 'at least' will be added in ((b)(3).</p> <p>In order to ensure a certain kind of standardisation and to keep this kind of training under the management system of an organisation, the term 'in an ATO' will be added.</p>
comment	<p>1074      comment by: <i>Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)</i> ❖</p> <p><b>Comment:</b> Clarifications. Are these ratings valid forever? Do we require a skill test for these ratings? Shall these ratings be endorsed on the licence?</p> <p><b>Proposal:</b> It seems that something is missing in the requirement for these ratings.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion.</p>

The three questions have to be answered as follows:

Regarding the validity, the question must be answered with 'Yes' as there has been foreseen an unlimited validity as long as the licence is valid.

Regarding the skill test, please see the response provided to comment No 517 (FOCA Switzerland).

Regarding the question if such a rating will be endorsed on the licence, the answer is 'Yes'. You will find further information in FCL.015(b).

It should be highlighted that this 'system' or 'procedure' is not new as the night qualification in JAR-FCL:

- was valid for ever,
- had no skill test at the end of the training, and
- was usually endorsed on the licence.

comment **1174** comment by: *Thomas Reusch*

Ausbildung mit oder unter Aufsicht eines Fluglehrers notwendig, damit auch einsitzige Flugzeuge in der Ausbildung eingesetzt werden können

response *Noted*

Thank you for providing this comment.  
The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.

comment **1200** comment by: *Luftsportverband Rheinland Pfalz*

FCL 800 (b) (3) bitte ändern in 5 hours instruction time, including 5 starts of dual aerobic instruction

Im Segelflug sind 5 hours dual acrobatic instruction time nur durch sehr viele Flüge zu erreichen. Ein Kunstflug aus 1000 m Höhe dauert im Segelflug 5 bis 8 Minuten. Für 5 h müssten ca. 30 Flüge absolviert werden. Durch die 5 h doppelsitzige Kunstflugschulung würden die Kosten für eine Kunstflugausbildung im Segelflug erhöht. Kunstflug kann auch sehr gut vom Boden aus durch einen Fluglehrer beurteilt werden.

Formulierungsvorschlag: 5 hours aerobic instruction time, including 5 starts of dual aerobic instruction

response *Partially accepted*

Thank you for providing this comment.

The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.

For the issue of adding a number of launches, please see also the response to comment No 86 (BGA) in the same segment above.

comment **1360** comment by: *George Knight*

FCL.800

The definition of aerobic flight includes manoeuvres that would not normally be classified as aerobic and are part of the normal syllabus for gliding

instruction including:

- Stalls
- Spins
- Spiral dives.
- Pushovers to simulate failed winch launches.

These are particularly relevant for gliders that normally fly very close to the stalling speed and may inadvertently stall and drop a wing during thermalling in turbulent conditions. They should not be restricted to those holding aerobatic ratings.

Aerobatic manoeuvres cover a very wide range figures from very simple to extremely complex. This proposal does not recognise that fact. Most gliders are capable of only a very limited repertoire of simple manoeuvres including Chandelle and Inside Loop - in addition to spin, stall, steep turn (2G) and spiral dive. These simple manoeuvres do not justify the overhead of 5 hours of dual aerobatic instruction time in a glider (that is an enormous amount of time in gliding terms where only 5 minutes of aerobatic flight may be achievable per launch.

I propose that the simple manoeuvres outlines above be excluded from the aerobatic rating and be permitted after dual instruction by a FI(S) or LAFI (Sailplanes) and an instructors signature in the student's log book.

For the more complex manoeuvres many gliders are only approved for a subset of the repertoire - only a very few gliders permit inverted flight and flick manoeuvres and, depending on the glider used for training, it may not be able to teach the full repertoire. For that reason for gliders the course duration should not be a minimum of 5 hours but at the instructor's discretion depending on the number of elements being taught and their complexity. For the same reason the holder of the rating should be permitted to perform when in command only those figures signed-off by an aerobatic instructor in his/her logbook. Once the pupil has been taught inverted and flick manoeuvres they can be signed off as unrestricted.

(a) There is no provision for students to practice individual manoeuvres solo under the supervision of an instructor prior to grant of the rating. This should be permitted as part of training.

(b) (1) 40 hours seems excessive for gliding when it is only required that the pilot has 15 hours to instruct (FCL.915 (b) (2)). Cannot this be at instructor discretion?

(c) (3). Five hours is too long if glider/aircraft used for instruction is technically capable of very few figures. See comments above.

response

*Noted*

Thank you for providing your opinion.

The comment is right when stating that the definition of aerobatic manoeuvres must be changed or clarified to allow the training of unusual attitude recovery (stall-/spin-/spiral dive recovery) without classifying this as aerobatic training but as part of the normal basic flight training. The Agency agrees and the definition for aerobatics in FCL.010 will be amended in order to make clear that intentional manoeuvres involving an abrupt change in an aircraft's attitude or any abnormal attitude when they are necessary for instruction for licences or ratings other than the aerobatic rating will not be classified as 'aerobatic flight'. This means also that instructors do not need to hold an aerobatic rating in

order to provide training for unusual or abnormal attitudes like stalling or spinning exercises.

Regarding the other comments related to issues like:

- some kind of a basic aerobatic rating,
- proposed amount of training,
- solo flights,

please see the responses provided to comments No 86 (BGA) and No 945 in the same segment above. The Agency will amend the requirements in order to allow also supervised solo flights.

comment

1467

comment by: *Andrew Sampson*

The requirements for aerobatic ratings for glider pilots are impractical and inappropriate.

I believe it is appropriate to reduce the qualifying time from 40 to 20hrs for sailplane pilots

Given the very duration for a typical glider aerobatic flight - between 5 and 10 minutes max from a 4000ft aerotow - the proposal implies between 30 and 60 flights. This should include supervised solo training.

response

*Noted*

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment

1524

comment by: *Keith WHITE*

The requirement (b) (1)/(2) seem to be excessive for gliders. **The requirements for gliders should be developed in collaboration with the various national gliding authorities.**

response

*Noted*

Thank you for providing your opinion.

After having done an evaluation of the existing ratings in Europe, the Agency decided in close cooperation with the licensing experts (sailplane licensing experts were also involved) to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

In addition to the more general statement that the requirements for sailplane licences and rating should be developed in collaboration with national 'gliding authorities' (which is in fact the case), the comment states that the requirement in (b)(1) which is the 40 hours prerequisite and (b)(2) which is the theoretical instruction seem to be excessive. The Agency is of the opinion that the required theoretical instruction is absolutely necessary.

For the item of the prerequisite of 40 hours experience as pilot-in-command, please see the response provided to comment No 86 (BGA) in the same

segment above.

comment 1594 comment by: *Regierung von Oberbayern-Luftamt Südbayern*

Nach der Vorschrift ist es möglich, die Kunstflugberechtigung "nur" mit der Absolvierung von fünf Stunden praktischen Unterrichts zu erwerben.

Wir gehen davon aus, dass hier übersehen wurde, das Erfordernis einer erfolgreich absolvierten praktischen Prüfung mit einem Examiner vorzusehen. Eine solche halten wir aus fachlicher Sicht für dringend geboten. Der Pilot hat nachzuweisen, dass er ein vorzuziehendes Programm von Kunstflugübungen selbstständig durchführen kann.

Im Übrigen erscheinen uns 40 Stunden Gesamtflugerfahrung als zu wenig. Hier sollte ein Minimum von 50 Stunden in der entsprechenden Klasse vorgeschrieben werden, um eine routinierte und sichere Beherrschung des Luftfahrzeugs zu gewährleisten.

response *Noted*

Thank you for providing your opinion.

Regarding the proposed prerequisite of 40 hours and your proposal to raise this experience requirement, please see the response provided to comment No 86 (BGA) in the same segment above.

The issue of introducing a skill test was raised also in other comments as a general item for all the ratings. The Agency carefully reviewed all these comments received proposing such an additional requirement. Based on the fact that in most of the existing national regulations for some kinds of aerobatic qualification or rating such a specific skill test is not mandatory and because of the reason that JAR-FCL never required such a skill test for the night rating, the Agency decided also not to introduce such a skill test for the aerobatic rating at this stage.

However, it was decided to ask for an ATO providing the training and additionally to amend the privileges of the instructor (see FCL.905.FI). The Agency is of the opinion that these requirements guarantee that the applicant for this rating will achieve a safe and competent standard.

comment 1712 comment by: *Sven Koch*

40 Std PIC nach Scheinerwerb; Theoriewissen über Kunstflug; 5 Std Doppelsteuer mit Fluglehrer 5 Std Ausbildung, d.h. mit oder unter Aufsicht eines Fluglehrers, um einsitzige Flugzeuge einsetzen zu können.

response *Noted*

Thank you for providing your opinion, but the Agency does not understand the meaning behind this comment.

It seems to be only a more or less exact German translation of some elements contained in FCL.800.

Regarding the issue if solo flights are allowed, please see the response provided to comment No 1200 in the same segment above.

comment	<p data-bbox="351 235 422 280"><b>1748</b></p> <p data-bbox="1005 235 1457 280">comment by: <i>Stephan Johannes</i></p> <p data-bbox="351 291 1457 459">Sehr geehrte Damen und Herren, bitte ändern Sie "Ausbildung 5h am Doppelsteuer" in "5h Ausbildung mit oder unter Aufsicht eines Fluglehrers". So kann man in der Ausbildung auch einsitzige Segelflugzeuge mit einsetzen. Das entspricht der derzeitigen Praxis, damit wurden gute Erfahrungen gemacht.</p> <p data-bbox="351 481 662 548">Mit freundlichem Gruß Stephan Johannes</p>
response	<p data-bbox="351 560 598 604"><i>Partially accepted</i></p> <p data-bbox="351 627 885 660">Thank you for providing this comment.</p> <p data-bbox="351 683 1457 772">The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	<p data-bbox="351 806 422 851"><b>1858</b></p> <p data-bbox="1093 806 1457 851">comment by: <i>Dr. Schreck</i></p> <p data-bbox="351 873 1457 1019">FCL.800 Bei entsprechender Ausbildung besteht für einen Wolkenflug für Segelflieger keine erhöhte Unfallgefahr. In Deutschland wird Wolkenflug seit Jahrzehnten praktiziert.</p>
response	<p data-bbox="351 1019 438 1064"><i>Noted</i></p> <p data-bbox="351 1075 1457 1321">Thank you for providing your opinion. It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate rulemaking task: FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p data-bbox="351 1355 422 1400"><b>1879</b></p> <p data-bbox="1005 1355 1457 1400">comment by: <i>Markus Malcharek</i></p> <p data-bbox="351 1411 1457 1556">Die Wolkenflugberechtigung sollte beibehalten werden! Es ist keine erhöhte Unfallgefahr zu erkennen! Im Gegenteil: Piloten, die eine entsprechende Ausbildung/Rating haben, sind erheblich sicherer im Umgang mit solchen Situationen!</p>
response	<p data-bbox="351 1568 438 1612"><i>Noted</i></p> <p data-bbox="351 1624 869 1657">Thank you for providing your opinion.</p> <p data-bbox="351 1680 1457 1758">It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate rulemaking task: FCL.008.</p> <p data-bbox="351 1780 1457 1926">The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p data-bbox="351 1971 422 2016"><b>1982</b></p> <p data-bbox="1077 1971 1457 2016">comment by: <i>Volker Reichl</i></p>

	<p>Social impact: It is suggested to remove the word "dual" from FCL.800 b3 because it is common to continue aerobatic training in a single seat aircraft after the familiarization with aerobatic requirements and emergency procedures. Changing this practice would result in a lack of airplanes for aerobatic instruction and thus a reduced number of pilots who use aerobatic training as safety and skill honing training.</p>	
response	<i>Accepted</i>	<p>Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	1997	comment by: <i>Felix.Reichl</i>
	the 5h aerobatic training should not be mandatory in dual instruction time	
response	<i>Accepted</i>	<p>Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	2014	comment by: <i>Swiss Pilot School Association</i>
	Add unter (b)	
	(4) Demonstrate as a Minimum the following figures in a litle aerobatic program; spin and recovery, Loop, roll (left & right), half cuban eight (left & right, immelmann (left & right, hammerhead turn and 10 sec. inverted flight, if it possible with the training aircraft	
response	<i>Not accepted</i>	<p>The Agency acknowledges your opinion. As it is the same content as comment No 186 (Aero Club of Switzerland), please see the response provided in the same segment above. Additionally it should be mentioned that in a requirement for the future Implementing Rules in Part FCL an expression like the proposed one saying 'if it is possible with the training aircraft' will not be incorporated because this would not allow to reach a common standard.</p>
comment	2111	comment by: <i>Th. Engel</i>
	Bitte streichen Sie die Forderung nach "doppelsitziger" Ausbildung, da vielfach noch einsitzig ausgebildet wird.	
response	<i>Partially accepted</i>	<p>Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision but there should be a certain amount of dual training also. The text will be amended accordingly.</p>

comment	2178	comment by: <i>Oelschlaeger, Harald</i>
	5 Stunden Ausbildung, d.h. mit oder unter Aufsicht eines Fluglehrers u einsitzige Flugzeuge einsetzen zu können.	
response	<i>Accepted</i>	
	Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.	
comment	2308	comment by: <i>Matthias Dangel</i>
	Die Wolkenflugberechtigung für Segelflieger sollte wieder eingeführt werden. Es besteht auch weiterhin kein erkennbares bzw. erhöhtes Unfall- oder Gefährdungsrisiko bei entsprechender Ausbildung.	
response	<i>Noted</i>	
	Thank you for providing your opinion.  It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate rulemaking task: FCL.008.  The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.	
comment	2612	comment by: <i>CAA Belgium</i>
	(a) question: is it necessary to provide this for helicopters ?  (b) (1): 40 hrs of flight time is far too low ! This will create a hazard to flight safety. The flight experience of 200 hrs required in Belgium for this activity has been determined in common agreement with the national federations of the users.  (b)(2) and (3) : a proof of the theoretical and flight training should be written by the FI in the logbook of the applicant. The FI also should testify in the logbook that the training was "to his satisfaction". (c) " <i>at least one dual familiarization flight...</i> " No minimum duration of this flight is foreseen.	
response	<i>Noted</i>	
	Thank you for providing your opinion.  Regarding your first question, the Agency decided to delete the term 'helicopters' in (a).  As to your proposal to raise the prerequisites and to introduce an entry requirement of 200 hours experience, please see the response provided to comment No 86 (BGA) in the same segment above.	

Regarding your proposal that the FI should sign in the logbook that the training has been completed, please be aware that the AMC to FCL.800 already asks the ATO to issue a certification of satisfactory completion of the instruction for the purpose of licence endorsement. This is also in line with the requirement in FCL.015 where it is stated that the extension of the privileges should be endorsed in the licence. Any application for the issue of a rating shall be accompanied by evidence that the applicant complies with these requirements as established in Part FCL. The Agency does not see a need to further specify this or ask for a specific signature of the instructor as proposed by you.

Regarding your last comment on the minimum duration of such a familiarisation flight as required in (c), the Agency does not intend to introduce a specific minimum flight time as the minimum amount of training will be dependent on the total aerobatic experience of the applicant on aircraft of other categories and also based on the fact that the total flight time does not necessarily provide an evidence about the 'real' aerobatic training time. This should be left to the responsibility of the instructor providing this training. In order to address concerns like this the Agency decided to change the requirement slightly and to ask for at least three dual familiarisation flights.

comment

2631

comment by: *Dieter Lenzkes***Vorschlag:**

Delete „dual“ in (b) (3) .

**Begründung**

Es sollte im Ermessen des Fluglehrers liegen, inwieweit die Kunstflugausbildung doppelsitzig oder einsitzig durchgeführt wird. Dies kann je nach verwendetem Flugzeugtyp und der Vorerfahrung des auszubildenden Piloten sehr unterschiedlich sein.

response

*Partially accepted*

Thank you for providing this comment.

The Agency agrees with the proposal of including solo flight time under supervision. Nevertheless, there should be a certain amount of dual training also. The text will be amended accordingly.

comment

2885

comment by: *David Bowden*

FCL 800

Most glider pilots enjoy performing simple aerobatic manouvers and these should not be restricted. For the vast majority there is no desire to go beyond this point.

For those wishing to go beyond that point then appropriate training and access to the right glider is necessary.

response

*Noted*

Thank you for providing your opinion.

Please see also the responses provided to comments No 929 (G. Corbett) and No 945 (C. Field) in the same segment above.

comment	2919	comment by: <i>AECA(SPAIN)</i>
	(a) Delete 'helicopters'	
response	<i>Accepted</i>	
	Thank you for providing your opinion. See response provided to comment No 2612 (CAA Belgium).	
comment	2920	comment by: <i>AECA(SPAIN)</i>
	(b) (1): 40 hrs of flight time is far too low ! This will create a hazard to flight safety.	
response	<i>Noted</i>	
	Thank you for providing your opinion. See response for comment No 2612.	
comment	2921	comment by: <i>AECA(SPAIN)</i>
	(b)(2) and (3) : Need to proof the theoretical and flight training. This proof should be written by the FI in the logbook of the applicant. The FI also testify in the logbook that the training was "satisfactory".	
response	<i>Noted</i>	
	Thank you for providing your opinion. See response to comment No 2612.	
comment	2922	comment by: <i>AECA(SPAIN)</i>
	(c) " <i>at least one dual familiarization flight...</i> " No minimum duration of this flight is foreseen.	
response	<i>Noted</i>	
	Thank you for providing your opinion. See response to comment No 2612.	
comment	3119	comment by: <i>Bernhard Büdke</i>
	Die Kunstflugausbildung zieht sich sehr lange hin, wenn immer doppelsitzig geflogen werden muß. Daher plädiere ich für eine Regelung wie bei der Grundschulung auch, daß die Übungsflüge auch alleine, nach Einschätzen der Fähigkeiten des Schülers durch den Kunstfluglehrer, durchgeführt werden können.	
response	<i>Noted</i>	
	Thank you for providing this comment.  The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.	
comment	3124	comment by: <i>Axel Anschau</i>

	EU-FCL fordert 5 Stunden doppelsitzige Ausbildung. Eine generelle doppelsitzige Ausbildung ist nicht erforderlich da Kunstflug auch einsitzig geübt und ausgebildet werden kann.
response	<p><i>Noted</i></p> <p>Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	<p><b>3198</b> <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>(a) Delete 'helicopters'</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing your opinion. See response to comment No 2612 (CAA Belgium).</p>
comment	<p><b>3199</b> <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>(b)(1) 40 hours of experience is to low. Increase up to a minimum of 100. Justificatgion: Is a hazard to flight safety.</p>
response	<p><i>Not accepted</i></p> <p>The Agency acknowledges your opinion. See response to comment No 2612 and No 2920 (AECA) in the same segment above.</p>
comment	<p><b>3200</b> <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>(b) (2) theoretical knowledge instruction appropriate for the rating. (3) a minimum of 5 hours of dual aerobatic instruction time (4) <b>A proof of this instruction should be written by the FI, as a his satisfaction, in the log-book.</b></p> <p>Justification: To have notice of the aircraft category in wich was instructed in compliance of paragraph (c)</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. See response to comment No 2612.</p>
comment	<p><b>3321</b> <span style="float: right;">comment by: <i>Charles Jarman</i></span></p> <p>Glider pilots are restricted in the aerobatic manouvres by their gliding club until they are adequately skilled and experienced. Whilst the qualifications listed in the document are reasonable, there is no need for a separate license</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your opinion. Please see the reponse already provided to comment No 945 (C. Field) in the</p>

same segment above.

comment

3335

comment by: *DGAC FRANCE*

FCL 800 (b)

The requirement to perform the training in an ATO is better placed in the Part FCL itself than in an AMC.

The instruction time must allow the pilot to reach the level required for the rating, if 5 hours are not enough, the applicant must receive more hours.

The privilege of the aerobatic flying is obtained for one category and may be obtained for further categories with a dual flight instruction.

"Dual familiarization flight" doesn't have a definition.

(b)

**(2) a training course in an approved training organisation including:**

**(i)** theoretical knowledge instruction appropriate for the rating

**(ii) at least 5 hours dual aerobatic flight instruction on the appropriate aircraft category.**

~~(3) 5 hours of dual aerobatic instruction time~~

~~(c ) The privileges of the aerobatic rating shall be limited to the aircraft category in which the flight instruction was completed. This limitation may be withdrawn and the privileges extended to another category of aircraft if the pilot holds a valid licence for that aircraft category~~ **for one category of aircraft may be extended to another category of aircraft** if the pilot has successfully completed at least one dual **instruction** familiarization flight with an instructor holding an aerobatic rating for that category of aircraft.

response

*Partially accepted*

Thank your for providing your opinion.

As for your statement No 1, the Agency agrees and will change the requirement in order to specify already in the rule text that the training must be provided at an ATO.

As regards to your second comment (instruction time), the Agency agrees as well and will add 'at least' to make sure that the requirement is understood this way. Additionally it should be mentioned that the AMC says that the exercises should be repeated as necessary until the applicant achieves a safe and competent level.

The term 'familiarisation training' is already used in the Implementing Rules based on JAR FCL (see FCL.710) but in order to make sure that these flights should be classified as flight instruction, the Agency will change the wording to read 'instruction flights'.

comment

3471

comment by: *Deutscher Aero Club (DAeC)*

The requirement for 5 hours of dual aerobatic instruction time is too stringent. Particularly in glider aerobatics this requirement is almost impossible to fulfil, since the time available for aerobatic training after release is mostly less than 4 minutes per individual flight. It is foreseeable that with such requirement in force glider aerobatics instruction will come close to the "brick of extinction" for reasons of costs. Experience of nearly 40 years of glider aerobatics instruction has shown that on an average 7 up to 10 flights of dual instructions are needed for an average glider pilot to perform glider aerobatic solo flights

satisfactorily and safely under supervision. In addition, training flights under supervision of a flight instructor should be possible to allow the use of single seater in aerobatic training.

Proposed change:

(3) 5 hours aerobatic instruction time, if applicable. For sailplanes, 10 flights of dual glider aerobatic instruction.

response *Partially accepted*

Thank you for providing your opinion.

The Agency agrees that some parts of the training for the rating could be done as solo flights under supervision of the instructor. The text will be amended accordingly.

In addition to this, the Agency is aware that the 5 hours proposal doesn't seem to be an adequate minimum requirement for aerobatic training on sailplanes although this is the current practice in several Member States. The requirement for aerobatics with sailplanes will be replaced by a minimum amount of training flights. Please see the response provided to comment No 86 (BGA) in the same segment above.

The text will be amended accordingly.

comment *3530*

comment by: *James Clarke*

5 hours instructing to perform basic aerobatic maneuvers seems excessive given the likely short duration of aerobatic flights and that basic aerobatic maneuvers in gliders are relatively straight forward. Instead a proficiency check with an instructor who holds the appropriate rating and a minimum number of flights, say 20, would be more appropriate.

response *Noted*

Thank your for providing your opinion.

Please see the response provided to the comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment *3576*

comment by: *Swiss Power Flight Union*

Add under (b)

(4) Demonstrate as a Minimum the following figures in a little aerobatic program; spin and recovery, Loop, roll (left & right), half cuban eight (left & right), immelmann (left & right) hammerhead turn and 10 sec. inverted flight, if it possible with the training aircraft

response *Not accepted*

The Agency acknowledges your opinion.

As it is the same content as comment No 186 (Aero Club of Switzerland) and comment No 2014 (Swiss PSA), please see the responses provided in the same segment above.

Additionally it should be mentioned that in a requirement for the future Implementing Rules in Part FCL any wording like the proposed one saying 'if possible with the training aircraft' does not provide any legal certainty nor does it create a uniform level of training or safety.

comment	<p data-bbox="352 210 427 248">3963</p> <p data-bbox="635 210 1445 271">comment by: <i>Bayerisches Staatsministerium für Wirtschaft, Infrastruktur, Verkehr und Technologie</i></p> <p data-bbox="352 293 1437 353">Nach der Vorschrift ist es möglich, die Kunstflugberechtigung mit der Absolvierung von nur fünf Stunden praktischen Unterrichts zu erwerben.</p> <p data-bbox="352 389 1437 517">Es fehlt hier jedoch das Erfordernis einer erfolgreich absolvierten praktischen Prüfung mit einem Examiner. Eine solche ist aus fachlicher Sicht dringend geboten. Der Pilot hat nachzuweisen, dass er ein vorzuziehendes Programm von Kunstflugübungen selbstständig durchführen kann.</p> <p data-bbox="352 553 1437 680">Im Übrigen erscheinen 40 Stunden Gesamtflugerfahrung als zu gering. Hier sollte ein Minimum von 50 Stunden in der entsprechenden Klasse vorgeschrieben werden, um eine routinierte und sichere Beherrschung des Luftfahrzeugs zu gewährleisten.</p>
response	<p data-bbox="352 703 437 734"><i>Noted</i></p> <p data-bbox="352 757 1086 817">Thank you for providing your opinion. See response to comment 1594 (Luftamt Südbayern).</p>
comment	<p data-bbox="352 882 427 913">4024</p> <p data-bbox="991 882 1445 913">comment by: <i>Oxford Gliding Club</i></p> <p data-bbox="352 936 1437 1064">Of necessity glider aerobatic flights are often short as height is lost rapidly. It would take a large number of such flights to obtain 5 hours of instruction. A typical aerobatic training flight could last a total of 10 minutes, with only 2-3 minutes being engaged in aerobatics.</p>
response	<p data-bbox="352 1090 437 1122"><i>Noted</i></p> <p data-bbox="352 1144 1437 1234">Thank your for providing your opinion. Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.</p>
comment	<p data-bbox="352 1301 427 1332">4036</p> <p data-bbox="1070 1301 1445 1332">comment by: <i>phil mathews</i></p> <p data-bbox="352 1355 1437 1451">Why should a pilot need 40 hrs PIC before gaining an aerobatic rating. The rating should purely be gained by aerobatic training and test. Thus newly qualified pilots will be able to progress in the aerobatic world.</p>
response	<p data-bbox="352 1476 437 1507"><i>Noted</i></p> <p data-bbox="352 1529 1437 1619">Thank you for providing your opinion. Please see the response provided to comment No 86 (BGA) in the same segment above.</p>
comment	<p data-bbox="352 1686 427 1718">4202</p> <p data-bbox="1086 1686 1445 1718">comment by: <i>SFG-Mendig</i></p> <p data-bbox="352 1740 1437 1800">Streichen Doppelsteuer, auch einsitzige Flugzeuge müssen eingesetzt werden können.</p>
response	<p data-bbox="352 1830 480 1861"><i>Accepted</i></p> <p data-bbox="352 1883 1437 1973">Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>

comment	<p>4249 <span style="float: right;">comment by: <i>Graham Morris</i></span></p>
	<p>Regarding (b), in the context of sailplanes, a 5 hour course seems to me rather excessive. Further I would like to suggest that for sailplane pilots 'aerobatics' should be split into those relatively basic manoeuvres that can be accomplished by CS-22 aircraft in the Utility category and the the full weight of a rating only be required for manoeuvres that can be performed only in CS-22 Aerobatic category aircraft.</p> <p>Regarding (c), the privilege to transfer the aerobatic rating from one aircraft category to another given just a single familiarization flight seems quite casual an approach compared to the draconian 5 hour requirement to get such a rating. Would not the achievement of a defined standard make more sense than a fixed number of hours?</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Regarding your first issue, please see the responses provided to comments No 929 (G. Corbett) and No 945 (C. Field) in the same segment above. As to your second proposal, the Agency decided to ask for 'at least 3 dual training flights covering the full syllabus' in the other category of aircraft.</p>
comment	<p>4308 <span style="float: right;">comment by: <i>Baden-Württembergischer Luftfahrtverband</i></span></p> <p>FCL.800(b)(3) <b>Wording in the NPA</b> <b>(b)</b> (3) 5 hours of dual aerobatic instruction time.</p> <p><b>Our proposal</b> <b>Change:</b> (3) 5 hours of &lt; delete: dual &gt; aerobatic instruction time.</p> <p><b>Issue with current wording</b> There should be the option to conduct aerobatic training on single seated aircraft therefore the word "dual" should be deleted.</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing this comment. The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	<p>4375 <span style="float: right;">comment by: <i>DC-AL</i></span></p> <p>Because aerobatic flights without passengers are not very hazardous to anyone other than the pilot, I do not think such a rating is necessary for solo aerobatic flight - however if passengers are to be carried I agree with the requirement.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>However, after having done an evaluation of the existing ratings in Europe during the drafting phase of these requirements, the Agency decided in close cooperation with the licensing experts (sailplane licensing experts were also involved) to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of</p>

the activities where additional training should be defined to keep a standardised level of safety all over Europe.

The distinction 'passengers on board or not' was never discussed and will not be introduced at this stage as the Agency believes that such a rating and a standardised approach in Europe is necessary.

comment 4395 comment by: *Paul SMITH*

The requirement to fly 5 hours of dual aerobatics before getting a rating seems over the top. As glider aerobatic flights are short, it could take a long time to log 5 hours of airtime actually performing aerobatics.

response *Noted*

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment 4421 comment by: *JChristensen*

Section (b),(3) : Using time as a measure of instructional time for sailplanes is not sensible or fair especially with aerobatic flights which by their very nature are are very short (typically 3-4 minutes using a winch launch). A better measure for sailplanes would be to use the number of aerobatic instructional flights.

response *Noted*

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above. The Agency will add a number of 20 training flights as an alternative.

However, it should be mentioned that the Agency does not believe that a typical winch launch (as mentioned in your comment) of 3-4 minutes would be the right choice to do aerobatic training. Reaching a training altitude of at least 1000m AGL with the support of a thermal or an aerotow seems to be the suitable solution to safely start the aerobatic training.

The text will be amended accordingly.

comment 4423 comment by: *Oxford Gliding Club*

Of necessity glider aerobatic flights are often short as height is lost rapidly. It would take an unfeasibly large number of such flights to obtain 5 hours of instruction

response *Noted*

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above. The Agency will add a number of 20 training flights as an alternative.

comment	<p data-bbox="351 235 422 280">4596</p> <p data-bbox="973 235 1457 280" style="text-align: right;">comment by: <i>Deutscher Aero Club</i></p> <p data-bbox="351 291 742 324">FCL.800 Aerobatic rating (b)</p> <p data-bbox="351 324 1457 649">Comment: The requirement for 5 hours of dual aerobatic instruction time is too stringent. Particularly in gliding, this requirement is almost impossible to fulfil, since the time available for aerobatic training after release is mostly less than 5 minutes per individual flight. Specifying training in terms of hours is thus quite inappropriate for sailplanes. For sailplanes, the number of instructional aerobatic flights is a more meaningful figure. Experience of many decades of glider aerobatics has shown that, on average, 7 to 10 flights of dual instruction are needed for an average pilot to perform aerobatic flights satisfactorily and safely under supervision. In addition, training flights under supervision of a flight instructor should be possible to allow the use of a single-seater.</p> <p data-bbox="351 649 1457 716">EGU believes that the rating should be issued after a check flight with an instructor who holds the rating.</p> <p data-bbox="351 750 550 784">EGU Proposal:</p> <p data-bbox="351 784 550 817">1. FCL.800 (b)</p> <p data-bbox="351 817 1457 884">(3) to read: 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)</p> <p data-bbox="351 884 686 918">Add a further paragraph</p> <p data-bbox="351 918 1457 985">(4) (sailplanes only) a check flight with an instructor who holds the rating., 4.1.(S)</p>
response	<p data-bbox="351 985 598 1030"><i>Partially accepted</i></p> <p data-bbox="351 1052 1457 1153">Thank you for providing your opinion. See response provided to comment No 86 (BGA). The Agency will add a number of 20 training flights as an alternative.</p>
comment	<p data-bbox="351 1198 422 1243">4630</p> <p data-bbox="1013 1198 1457 1243" style="text-align: right;">comment by: <i>Diether Memmert</i></p> <p data-bbox="351 1265 1021 1299">Die Anforderung ist fuer SPL und LPL(S) zu hoch.</p> <p data-bbox="351 1332 566 1366"><b>Aenderungen:</b></p> <p data-bbox="351 1366 917 1400">(b)(3) Ersetze '5 hours' durch 2 Stunden.</p>
response	<p data-bbox="351 1400 534 1444"><i>Not accepted</i></p> <p data-bbox="351 1467 861 1500">Thank you for providing your opinion.</p> <p data-bbox="351 1534 1457 1601">Please see the responses provided to comments No 6710 (D. Puleston) and No 86 (BGA) in the same segment.</p> <p data-bbox="351 1635 1457 1736">For sailplane aerobatic training 20 flights will be introduced. Your proposal of requiring only 2 hours of aerobatic training doesn't seem to be sufficient to reach the required experience level.</p>
comment	<p data-bbox="351 1780 422 1825">4705</p> <p data-bbox="1077 1780 1457 1825" style="text-align: right;">comment by: <i>Peter Kynsey</i></p> <p data-bbox="351 1848 1457 2007">There is no aerobatic rating in most European countries at present and EASA have not provided a safety justification for this rating. Probably because they are aware there is no justification. The current system works well and EASA's rating will be just a formality that pilots have to conform with to be legal but will not enhance safety in any way. The possession of this rating will only prove</p>

the pilot's ability to carry out basic figures. There will be no assessment of their ability to carry out complex ones so the rating will prove nothing of the pilot's real ability. Most of the best aerobatic trainers in the UK and elsewhere in the EU are not instructors, as at the club of which I am a director. Our trainers will not be prepared to get one of EASA's instructor's ratings so they will no longer be able to teach. This will deprive the students of the best instruction and force them to train with inexperienced aerobatic pilots who have your qualification. We have already witnessed this effect in the UK. AOPA issues aerobatic certificates issued by the inexperienced holders of aerobatic instructor ratings. Meanwhile the best aerobatic instruction is provided outside this system by highly experienced aerobatic pilots with a competition background. The present system, no rating at all, should remain in force, there is no safety case for change.

response *Noted*

Thank you for providing your opinion.

However, the Agency does not agree with your statement. Having done an evaluation of the existing ratings in Europe, the Agency decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

See also the response provided to comment No 6710 in the same segment below.

The Agency agrees with your statement that this rating will only prove the pilot's ability to carry out the basic aerobatic manoeuvres contained in the AMC to FCL.800. The Agency strongly believes that if the applicant as asked by the AMC has repeated the exercises until he/she achieved a safe and competent level this will enhance safety for sure.

In addition to this, the comment mentions the qualification of the instructors. Please check the responses provided and the resulting text for subpart J which contains the prerequisites and the privileges for the instructors providing aerobatic instruction. The proposed changes should allow the mentioned experienced aerobatic trainers to stay within the future system.

comment **4861**

comment by: *Chris Gowers*

FCL.800 Para (c) Change "license" to "licence" for consistency with para (a)

response *Accepted*

Thank you for this editorial advice. The Agency agrees and will check the whole document in order to be consistent.

comment **4868**

comment by: *Keith WHITE*

FCL. 800. Aerobatic rating for sailplanes.

(1) 50 hours seems excessive; **reduce the time to 10 hours.**  
 (2) OK  
 (3) 5 hours of dual aerobatic instruction in gliders seems excessive. Typically an aerobatic flight in a glider will take about 10 minutes with an aerotow, and 5 minutes with a winch launch. There might be only one qualified aerobatic instructor in the club, and he will not be on duty every weekend [in many clubs operation is only at weekends and the instructing is voluntary]. Accumulating 5 hours of dual instruction might take a very long time. Further, aerobatic manoeuvres can be taught and performed individually, so that a pupil might be able to perform one manoeuvre satisfactorily before another is taught. In this case there should be a method of gradual accumulation of expertise in which the pupil is cleared to do certain manoeuvres solo whilst continuing with instruction in others. As with much gliding instruction, learning is incremental with the instructor[s] taking decisions as to when the pupil is ready to undertake solo operations. Setting fixed times does not seem reasonable. **Develop suitable programmes and teaching/learning criteria in conjunction with the national gliding authorities.**

response

*Noted*

Thank you for providing your opinion.

Please see the responses provided to comments No 1524 (k. White) and No 86 (BGA) in the same segment above.

comment

4914

comment by: *Chris Gowers*

FCL.800 para (b) (3) Delete "5" insert "8"

**Five hours is insufficient to ensure competency at all the manoeuvres listed in the AMC to FCL.800 on page 386. In particular the student should be competent at full and incipient spin recoveries which is likely to take at least 1½ hours, leaving only 3½ hours for all the other manoeuvres. Eight hours of training is therefore a more realistic figure.**

response

*Not accepted*

Thank you for providing your opinion.

Regarding the required amount of training, please see the response provided to comment No 546 (Norwegian Airsport Federation) in the same segment above. The Agency will add the term 'at least' in order to make clear that this is a minimum requirement. The AMC already indicates that the exercises must be repeated as necessary until the applicant achieves a safe and competent level.

comment

4976

comment by: *Royal Danish Aeroclub***Aerobatic rating**

An aerobatic rating is not necessary for aeroplanes and sailplanes. The flight manoeuvres are described in the aeroplanes or sailplanes manual, and as long as the aeroplane or sailplane is allowed to do aerobatics - the pilot should be allowed to do the aerobatics.

If not adopted, a minimum number of flight hours as pilot-in-command could be necessary before allowed to do aerobatics on a aircraft category.

response

**Noted**

Thank you for providing your opinion.

However, the Agency does not agree with the proposal to delete FCL.800. After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe.

Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

The Agency does not agree with your statement that such a rating is not necessary and is definitely of the opinion that the licence holder when having passed his/her skill test (e.g. with only 15 hours total flight time) should not be allowed to perform e.g. loopings or chandelles with her/his sailplane.

The Agency does not see a need to include the training of these exercises in the syllabus for the LPL or SPL and on the other hand does consider that a certain amount of aerobatic instruction is necessary to perform these aerobatic manoeuvres. This means that LPL or SPL pilot will only be allowed to perform the mentioned aerobatic manoeuvres when holding an aerobatic rating.

comment

4991

comment by: *ECA- European Cockpit Association*

Comment: change text as follows:

(a) Holders of a pilot licence other than an LPL for aeroplanes, helicopters or sailplanes shall only undertake aerobatic flights when they hold the appropriate rating.

Justification:

LPL license holders are not allowed to fly aerobatics, towing or over mountains. This license is intended for recreational flight. Giving privileges that are from another license (PPL) is not a good idea. ECA cannot agree on the whole picture for LPLs. This was not the initial intention when creating this license. Indeed, this license is not ICAO compliant, we therefore have to be careful on what privileges we give them.

response

**Not accepted**

Thank you for providing your opinion.

However, the Agency does not agree with the proposal to restrict the privileges of the LPL holder and to exclude these pilots from holding additional ratings.

The creation of the LPL was agreed by the European legislator in the Basic Regulation. Provisions for the issuance of the LPL are specifically required by article 7(5) of the Basic Regulation.

Recital (9) of this Basic Regulation states:

The privileges associated with the leisure pilot licence should be limited by the training received to obtain the related ratings, in accordance with the implementing rules.

comment	<p>5182 <span style="float: right;">comment by: <i>Pilar Munoz</i></span></p> <p>5 hours of dual aerobatic instruction is difficult to achieve as the aerobatic flights with gliders are very short or very costly. It will take far too long to get the aerobatic rating and limit the pilots doing it. Proposal: to make these 5 hours in a single seater under supervision does not really jeopardise safety and makes it more accessible.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion. The Agency agrees that some parts of the training for the rating could be done in solo flights under supervision of the instructor. The text will be amended accordingly.</p>
comment	<p>5203 <span style="float: right;">comment by: <i>Paul Morrison</i></span></p> <p>UK sporting gliding has many decades experience of safe aerobatic flying. The pilot's do not currently require a rating. Their training is monitored by local practices and rules but does follow a national syllabus.</p> <p>Many pilots only ever aspire to an elementary level of aerobatics which is well below that required in the AMC. It is my opinion, therefore, that the requirement for training is set at far too high a level for sailplane pilots - and seems to be largely informed by the powered flying requirements. In addition, there are only very few training sailplanes available which are permitted to fly the range of envisaged in 4.1.</p> <p>As aerobatic flights are by their very nature, short in duration involving considerable height loss I do not see how the requirement for a minimum number of hours is viable as the requirement to attain 5 hours of aerobatics will require a disproportionate number of flights. There is enormous variety in the way that aerobatic instruction time can be logged. On one extreme, the entire block to block time for an aerobatic sortie is claimed; in contrast, some only claim the time spent actually manoeuvring. Specifying training in terms of hours is thus quite inappropriate for sailplanes. For sailplanes, the number of instructional aerobatic flights is a more meaningful figure.</p> <p>Furthermore, as, sailplane aerobatics must take place at the airfield, the use of supervised solo flights is a valuable alternative option.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>However, the Agency does not agree with the proposal to delete FCL.800. After having done an evaluation of the existing ratings in Europe, the Agency decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.</p> <p>Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'</p>

In addition to this, the Agency has decided that especially for sailplane aerobatic training a certain amount of training flights will be added as an alternative for the proposed 5 hours aerobatic training, which is the actual requirement in certain Member States (for the reasoning why this number was introduced please see the response provided to comment No 86 (BGA) in the same segment above).

The text will be amended accordingly.

comment 5220 comment by: *Needwood Forest Gliding Club*

FCL 800

Many of our glider pilots enjoy performing simple aerobatic manouvers. Loops and Chandels (positive G).

Most gliders can perform these simple manouvers which can be easily taught. For the vast majority there is no reason to go beyond this point.

To go further requires specialist equipment, suitably qualified instructors and a deep pocket!

The regulations should reflect this and not "lump" everything together.

response *Noted*

The Agency acknowledges your opinion. See response for comment No 86 (BGA).

The AMC for this aerobatic rating will be reviewed and amended in order to include only basic aerobatic exercises. Loops and Chandelles are definitely aerobatic exercises and will be included. There is no need to create a second level of aerobatic rating.

comment 5553 comment by: *BMVBS (German Ministry of Transport)*

The provisions for an aerobatic rating are lacking a practical skill test. The required 40 hours of flight time on the appropriate aircraft category are in our experience not enough and should be increased to 50 hours. It should also be specified that the prerequisite of 50 hours as a pilot in command time on the appropriate aircraft category refers to hours flown after pilot licence issue.

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comment No 1594 (Luftamt Südbayern) in the same segment above.

It will be specified that the 40 hours required have to be flown after licence issue. The Agency considers the proposed 40 hours flight time as sufficient based on the experience in several Member States and the fact that the ATO can stop with the training at any time when it should be obvious that the student pilot's experience does not allow to continue with the training.

comment 5578 comment by: *Belgian Gliding Federation*

FCL.800 Aerobatic rating (b)

Comment:

The requirement for 5 hours of dual aerobatic instruction time is too stringent. Particularly in gliding, this requirement is almost impossible to fulfil, since the

time available for aerobatic training after release is mostly less than 5 minutes per individual flight. Specifying training in terms of hours is thus quite inappropriate for sailplanes. For sailplanes, the number of instructional aerobatic flights is a more meaningful figure. Experience of many decades of glider aerobatics has shown that, on average, 7 to 10 flights of dual instruction are needed for an average pilot to perform aerobatic flights satisfactorily and safely under supervision. In addition, training flights under supervision of a flight instructor should be possible to allow the use of a single-seater. We believe that the rating should be issued after a check flight with an instructor who holds the rating.

**Proposal:**

**1. FCL.800 (b)**

**(3) to read: 5 hours of dual aerobatic instruction time or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo**

**Add a further paragraph**

**(4) (sailplanes only) a check flight with an instructor who holds the rating., 4.1.(S)**

response *Partially accepted*

Thank you for providing your opinion.  
See response to comment No 4596 (EGU) in the same segment above.

comment 5633

comment by: *Andre KUBASIK*

In den Bedingungen für den Erwerb der Kunstflugberechtigung sollten nicht 5 Stunden doppelsitzige Ausbildung gefordert werden, sondern nur 5 Stunden Ausbildung.

Es sollte dem Ausbilder überlassen bleiben, im Einzelfall zu entscheiden, ob einsitzige Trainingsflüge unter Aufsicht sicher, angemessen und sinnvoll sind.

response *Partially accepted*

Thank you for providing your opinion.  
The Agency agrees that some parts of the training for the rating could be done as solo flights under supervision of the instructor. The text will be amended accordingly.

comment 5653

comment by: *Robert John*

Sailplanes are flown in attitudes and with abrupt changes of bank, high "G" etc as a matter of normal course. Spin recovery training (and regular practice) by sailplane pilots involves full spins, often hed in for several rotations. It is a small step from these normal handling issues, for a sailplane pilot, to modest aerobatic manouvres such as loops, chandelles, 45 degree up/down lines and even inverted flight. Also aerobatic flights are typically of very short duration (tow up, carry out routines and land all within 10 minutes is typical). 40 hours of flight time as a minimum requirement is quite unnecessary and 5 hours of dual instruction is more time than most competent sailplane aerobatic pilots would accumulate in year. This needs re-thinking. Sailplane aerobatics are not to be regarded as a major departure from normal flight or something so dangerous as to require extensive extra training.

response *Noted*

Thank you for providing your opinion.

Please see the responses provided to comments No 6710 (D. Puleston) and No 86 (BGA) in the same segment.

comment 5835 comment by: *Phil King*

There are significant differences between Sailplanes and other types of aircraft which generate different requirements.

I support the BGA proposal that:

*1. FCL.800 (b)*

*(1) to read: at least 40 hours (20 hours for sailplanes) as pilot-in-command in the appropriate aircraft category*

*(3) to read: 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)*

*Add a further paragraph*

*(4) (sailplanes only) a proficiency check with an instructor who holds the rating., 4.1.(S)*

response *Partially accepted*

Thank you for providing this comment. See response for comment No 86 (BGA).

comment 5961 comment by: *Luftsport-Verband Bayern*

Mit FCL.800 (b) (3) werden 5 Stunden Ausbildung am Doppelsteuer gefordert. Im Segelkunstflug ist es nicht erforderlich, dass die komplette Ausbildung mit Lehrer geflogen wird. Dieser kann das Ausbildungsprogramm auch vom Boden aus beobachten, Kommentieren und lehren. Zudem besteht Funkverbindung zum kunstflugschüler.

response *Accepted*

Thank you for providing your opinion.

The Agency agrees that some parts of the training for the rating could be done in solo flights under supervision of the instructor. The text will be amended accordingly.

comment 5985 comment by: *French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots*

As indicated in our comment on FCL.010 Definitions, FFA and its aerobatic pilots, aerobatic flights are not "abnormal flights" but specific and intentional figures in flight.

FFA and its aerobatic pilots agree on FCL.800 requirements as soon as those requirements are considered as a minimum.

response *Noted*

Thank you for providing your opinion.

Please see also the response provided to your comment on FCL.010. The Agency's opinion was never to treat aerobatic flights as 'abnormal flights'. Based on the input received the definition of aerobatic flight will be amended.

comment	<p>6243 <span style="float: right;">comment by: <i>Christoph Talle</i></span></p> <p>800 (b)(3)First at all: as an experienced aerobatic instructor and examiner(aeroplane/glider) i think it is absolut necessary that student pilots will make solo flights under supervision of an FI. Especially because there is no skill test/examination asked.</p> <p>For sailplane 5 hours make no sense, it will be better to aske for 15 flights, with a minimum of 5 Solo !</p> <p>800 (c) the demand of "one dual familiarization" is in my experience not enough.</p> <p>better: aeroplane 1 hour (normally 3 sessions), sailplane 3 flights</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Regarding the issue of solo flights, the Agency agrees and will amend the text accordingly to allow supervised solo training flights.</p> <p>Concerning your proposal on the amount of aerobatic instruction in sailplanes, please see the response provided to comment No 86 (BGA) in the same segment above. The Agency will not ask for a mandatory amount of solo flights.</p> <p>Additionally, the Agency will change the requirement in (c) and raise the required amount of flights in another aircraft category mentioning also that the full training syllabus should be covered.</p>
comment	<p>6290 <span style="float: right;">comment by: <i>Diana King</i></span></p> <p>FCL.800 Aerobatic rating (Page 42)</p> <p>Comment: Many sailplane pilots are taught to perform basic aerobatics on the basis of standard practices and supervised by appropriately experienced local instructors. There are few sailplanes which are designed to fly the full range of manoeuvres and even fewer training sailplanes. It is therefore rare for anything more than basic manoeuvres to be executed and the standard of training proposed is therefore at a far higher level than is necessary or appropriate.</p> <p>The number of hours training proposed is also excessive for the sailplane pilot. Due to the nature of sailplane aerobatics, teh flights are generally short and the amount of time spent actually manoeuvring is even shorter. It would be more appropriate to specify the minimum requirement in numbers of instructional flights.</p> <p>I support the BGA proposal in this respect.</p>
response	<p><i>Partially accepted</i></p> <p>The Agency acknowledges your opinion.</p> <p>See response to comment No 86 (BGA) in the same segment above.</p>
comment	<p>6504 <span style="float: right;">comment by: <i>Austro Control GmbH</i></span></p> <p>Comment:</p>

Only 40 hrs especially for helicopters creates a really flight hazard. So therefore it's recommended to increase the numbers of hours up to 100 hrs.

Proposed Text:

(b) (1) at least **100** hours of flight time as pilot-in-command in the appropriate aircraft category;

response *Not accepted*

Thank you for providing your opinion.

During the drafting phase of these requirements the Agency did an evaluation of the existing national requirements for aerobatic instruction in several Member States. The proposed experience of 40 hours flight time after licence issue was based on this evaluation. Reviewing now all the comments received the range is also from 'delete the 40 hours' to 'introduce 200 hours experience'. The Agency considers the proposed experience requirement as adequate and does not intend to change it.

Please see also the response provided to comment No 86 (BGA) in the same segment above. The Agency considers the proposed 40 hours flight time as sufficient based on the experience in several Member States and the fact that the ATO can stop with the training at any time when it should be obvious that the student pilot's experience does not allow to continue with the training.

comment **6505**

comment by: *Austro Control GmbH*

Comment: 5 hrs have to be the minimum.

Proposed Text: (b) (3) **at least** 5 hours of dual aerobatic instruction time.

response *Accepted*

Thank you for providing your opinion.

The Agency agrees that the term 'at least' should be added. However, it should be mentioned that the Agency decided to allow also solo flights under supervision of the instructor and as an alternative for aerobatic instruction in sailplanes a minimum amount of 20 instruction flights.

It should be mentioned also that the AMC material requires the ATO and the instructor providing the training that the exercises should be repeated as often as necessary until the student achieves a safe and competent standard.

comment **6551**

comment by: *Michael GREINER*

Dear Sirs and Madams,

In aerobatic training with gliders it is common to let student pilots fly quite early on single seaters. In case of gliders, it should be left to the Flight Instructor's assessment to decide when the student is ready for solo training.

Kind regards,  
Michael Greiner

response *Accepted*

Thank you for providing your opinion.

The Agency agrees that some parts of the training for the rating could be done

as solo flights under supervision of the instructor. The text will be amended accordingly.

comment 6575 comment by: *Light Aircraft Association UK*

The LAA approves a minimum level of competency in aerobatics but questions whether this should be achieved by the addition of a rating to the licence. We would propose that upon demonstration of competency in aerobatic manoeuvres the applicant's logbook could be endorsed by a suitable instructor.

The LAA also proposes that CRI privileges include instructing in aerobatics if they are suitably experienced to do so.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 6710 in the same segment below.

comment 6651 comment by: *David PYE*

1. FCL.800 (b)

(1) to read: at least 40 hours (20 hours for sailplanes) as pilot-in-command in the appropriate aircraft category

(3) to read: 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)

Add a further paragraph

(4) (sailplanes only) a proficiency check with an instructor who holds the rating., 4.1.(S)

response *Partially accepted*

The Agency acknowledges your opinion.

Please see the response provided to comment No 86 (BGA) in the same segment above.

comment 6655 comment by: *Croft Brown*

FCL.800 Aerobatic rating

(Page 42)

Comment:

1. UK sporting gliding has many decades experience of safe aerobatic flying. Our pilot's do not currently require a rating. Their training is monitored by local practices and rules but does follow a national syllabus

2. Many pilots only ever aspire to an elementary level of aerobatics which is well below that required in the AMC. We believe, therefore, that the requirement for training is set at far too high a level for sailplane pilots - and seems to be largely informed by the powered flying requirements. In addition, there are only very few training sailplanes available which are permitted to fly the range of manoeuvres proposed in 4.1

3. We also have reservations about the requirements for hours. There is enormous variety in the way that aerobatic instruction time can be logged. On one extreme, the entire block to block time for an aerobatic sortie is claimed; in contrast, some only claim the time spent actually manoeuvring. Specifying training in terms of hours is thus quite inappropriate for sailplanes. For sailplanes, the number of instructional aerobatic flights is a more meaningful

figure.

4. In addition, sailplane aerobatics must take place at the airfield, making supervised solo a valuable option.

Croft Brown endorses the BGA Proposal

1. FCL.800 (b)

(1) to read: at least 40 hours (20 hours for sailplanes) as pilot-in-command in the appropriate aircraft category

(3) to read: 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)  
Add a further paragraph

(4) (sailplanes only) a proficiency check with an instructor who holds the rating., 4.1.(S)

response

*Partially accepted*

The Agency acknowledges your opinion.

Please see the response provided to comment No 86 (BGA) in the same segment above.

comment

6710

comment by: *Dave Puleston*

The concept of an Aerobatic Rating is, in my opinion, flawed.

The basic skills of stalling, slow flight and recovery from 'unusual positions' should be thoroughly taught on the PPL syllabus, along with spinning if the student shows a leaning toward aerobatic flight. It is these skills, coupled with discipline and the correct mental attitude, which will ensure that aerobatic manoeuvres are carried out safely. Many display and competition pilots have never received formal aerobatic instruction from inside the cockpit. They were taught how to fly properly during their PPL course and learnt the required aerobatic skills using a combination of self study from books and knowledgeable ground critique, which is infinitely more valuable.

I am not entirely advocating this method of 'self-teaching', but if aerobatics are to be taught, they should be taught by an instructor who is competent and has been examined to assess his abilities. To be able to formally teach aerobatics following completion of a short course is ludicrous. Many pilots that I have flown with, who have completed recognised aerobatic courses, were not competent and in some cases were quite dangerous.

To restrict the holder of an Aerobatic Rating to the same category of aircraft is unnecessary because if aerobatics have been taught correctly, adapting to a new type should be very straightforward. The nuances of a particular type or category should be thoroughly researched before flying it at all, either by self-briefing or familiarisation by a knowledgeable pilot familiar with the type, and if any doubt exists, the services of a suitable instructor should be sought. Many aerobatic types have only one seat and so flying with an instructor is impossible.

Provision should be made to allow CRIs to instruct aerobatics, following a suitable examination, as many of them are engaged in aerobatic display and competition flying and would greatly contribute to the teaching of safe aerobatic skills.

Should a prescriptive approach be deemed strictly necessary, the assessment of aerobatic proficiency can be carried out in the same manner as Differences

	<p>Training, with the amount of training tailored to suit the individual. For people with a significant amount of prior aerobatic experience competency could be assessed by ground observation and their flying logbook appropriately annotated. Some people would be safe to practice solo aerobatics following very little training, whereas others may take many hours. An arbitrary flying hours figure should not be quoted. This approach would also eliminate the administrative burden of having to issue a rating or licence endorsement.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion.</p> <p>First of all the Agency agrees with your statement that 'stalling, slow flights and recovery from "unusual positions" should be thoroughly taught' during the SPL or LPL training for the licence.</p> <p>The idea of doing some kind of 'self-study' by using books or receiving some advice from the ground might work but the Agency does not consider this procedure as the best one.</p> <p>The Agency, after having completed an evaluation of the existing ratings in Europe, has decided in close cooperation with the licensing experts (sailplane licensing experts were also involved) to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe.</p> <p>For the mentioned experience of the instructor providing this flight training please check the responses provided to the appropriate segments in Subpart J.</p> <p>The additional training for an SPL holder with aerobatic rating in order to be allowed to fly an aerobatic SEP aeroplane will be kept and slightly raised as the Agency does not agree at all with your opinion that 'adapting to a new type should be very straightforward'. There are quite some differences between aerobatic flying with an ASK 21 and a CAP 10. Additional familiarisation and instruction will not be only very useful but also absolutely necessary.</p> <p>Regarding your proposal to allow a CRI to provide aerobatic instruction, the Agency agrees and will include this privilege. Please see the resulting text and the responses to subpart J.</p>
comment	<p>6714 <span style="float: right;">comment by: <i>Nick Norman</i></span></p> <p>FCL800:  This rating is inappropriate to sailplanes. The vast majority of sailplanes are only capable of simple aerobatics such as loops. To be safe and competent at such manoeuvres requires only modest training.  I propose that the word "sailplanes" be removed from para (a).</p>
response	<p><b>Not accepted</b></p> <p>Thank you for providing your opinion.</p> <p>However, the Agency disagrees with the proposal to delete the aerobatic rating for sailplane pilots. It is right that only a certain amount of sailplanes are certificated for aerobatics but this cannot be the reason to abolish a rating for sailplane pilots which exists in a lot of Member States.</p>

After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

The Agency cannot follow that aerobatic manoeuvres (please see the appropriate AMC material developed for this rating) only need some basic 'modest' training. Therefore, the Agency will keep a rating also for sailplane pilots.

comment

7042

comment by: CAA Norway

FCL.800(b)(1) and (3):

We consider the required 5 hrs for an Aerobatic Rating training program to be detrimental to flight safety, as we find this much too low. This based on many years experience with such courses here in Norway. (This view is shared with the Aerobatic Committee of the Norwegian Aero Club). When looking at the syllabus in the AMC, specifying the manoeuvres to be covered, 5 hrs is barely enough to demonstrate the manoeuvres, let alone have the student get some practise. We also find it strange to specify external loops as part of an introductory aerobatic course.

The experience requirement of 40 hrs flight time as PIC also seems very low. For banner towing, a less demanding activity than aerobatics, Part FCL.805(b)(1) sets the experience requirement at 150 hrs as PIC.

This concern of ours also covers the experience requirement for an FI/LAFI to get privileges to instruct for an Aerobatic Rating. We consider 20 hrs aerobatic flight time experience for an instructor of aerobatics to be unacceptable. We would prefer to see this number substantially increased.

Suggestions:

800(b)(1) Increase experience requirement from 40 to 100 hrs.

800(b)(3) Increase hours of instruction from 5 to minimum 10 hrs, maybe 15, depending on the course contents.

AMC: Revise course contents.

response

*Partially accepted*

Thank you for providing your opinion.

Regarding the first issue of the required amount of training, please see the response provided to comment No 546 (Norwegian Airport Federation) in the same segment above. The Agency will add the term 'at least' in order to make clear that this is a minimum requirement. The AMC already indicates that the exercises must be repeated as necessary until the applicant achieves a safe and competent level.

Your comment about the inverted loop is right. The term 'and inverted loop' will be deleted. Please check the responses provided to the comments on the

AMC material to FCL.800 in the appropriate segment.

Regarding your comment on the prerequisites, please see also the response provided to comment No 86 (BGA) in the same segment above. The Agency considers the proposed 40 hours flight time as being sufficient, based on the experience in several Member States and the fact that the ATO can stop with the training at any time when it should be obvious that the student pilot's experience does not allow to continue with the training.

Concerning the privileges of the instructor, please check the responses in the appropriate segment and the resulting text as a demonstration of the ability to instruct for such a rating was introduced.

comment 7179 comment by: *Finnish Aeronautical Association - Kai Mönkkönen*

The requirement for 5 hours of dual aerobatic instruction time is too stringent for gliding. Time available for for an aerobatic training after release is mostly less than 5 minutes per individual flight. Specifying training in terms of hours is inappropriate for sailplanes, but the number of instructional aerobatic flights is a more meaningful figure.

Justification:

Experience of many decades of glider aerobatics has shown that, on average, 7 to 10 flights of dual instruction are needed for an average pilot to perform aerobatic flights satisfactorily and safely under supervision. In addition, training flights under supervision of a flight instructor should be possible to allow the use of a single-seater.

Proposed text:

Change the subclause FCL.800 (b)(3) requirement to read:

"5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo)"

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

The text will be amended in order to allow also solo aerobatic instruction flights under supervision.

comment 7224 comment by: *R. Hale*

Accruing 5 hours of dual aerobatic time in a glider is unfeasable due to the fact that at the winch launch site I fly at aerobatic flights only last 5-6 minutes and on average each pilot recieves only 2-3 launches per day. and we only fly at weekends. It would be better to base instruction on a minimum number of flights required to be cleared on each manouvere the pilot wishes to fly.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above. The Agency decided to include an

alternative of 20 training flights.

However, it should be pointed out that the statement and justification provided with your comment must be questioned. If it is not possible at your gliding site to do longer flights than the mentioned '4-6 minutes flights', the immediate conclusion must be that it is also 'impractical' to provide any aerobatic instructing during these flights and at this operating site. The Agency is aware that you need a certain altitude in order to provide safely aerobatic instruction. If at a certain gliding site due to the specific weather conditions (e.g. sea-breeze) no possibilities exist to perform a longer thermal flight and therefore to reach the necessary safe training altitude, you have to use the launch method aerotow or conduct the aerobatic training on another airfield.

comment **7241** comment by: *A.Garside*

There has to be some grandfather right for those already experienced in aerobatic flying to get this rating. There has not been a requirement for a specific rating in the uk.

response *Noted*

Thank you for providing your opinion.

The guidelines and requirements for the conversion of existing licences and ratings will be published with a separate document and is not covered with these Implementing Rules. It will be the task of every Member State (CAA UK in your case) to do these conversion reports and to decide which existing national licence and rating will be transferred.

Normally each existing national aerobatic qualification should be transferred into the new system if the same level of training was completed as defined in this Part.

comment **7309** comment by: *Stampa Hartwig*

Change: Delete at FCL.800 (a)(3) the word "dual". To enable the possibility of aerobatic instruction on single seater.

response *Partially accepted*

Thank you for providing your opinion.

The Agency agrees that some elements of the training for the rating could be done as solo flights under supervision of the instructor. The text will be amended accordingly.

comment **7367** comment by: *Chris Bärfl*

Unter b) 3) sollte das 'doppelsitzig' gestrichen werden. Bisherige Praxis in Deutschland ist doppelsitzige **und** einsitzige Ausbildung. Es gibt keine Anzeichen dafür, dass hieraus besondere Risiken resultieren. Die Entscheidung, wann die einsitzige Ausbildung angemessen ist, sollte der Ausbilder selbst treffen können.

response *Partially accepted*

Thank you for providing your opinion.

The Agency agrees that some elements of the training for the rating could be done by doing solo flights under supervision of the instructor. The text will be amended accordingly.

comment 7386 comment by: *David Chapman*

Basic aerobatics should be integral with normal flight training. A full aerobatic rating should be a combination of dual flights and supervised solo flight in single seat gliders.

response *Noted*

Thank you for providing your opinion.

The Agency does not agree that the mentioned aerobatic manoeuvres should be included in the training syllabus for the LPL(S) or the SPL. The Agency is of the opinion that before starting with the aerobatic training a licence holder should gain further experience.

The Agency agrees that some elements of the training for the rating could be done as solo flights under supervision of the instructor. The text will be amended accordingly.

comment 7485 comment by: *Philipp REHBEIN*

In FCL.800 (b) (3) "dual" shall be deleted. Aerobatics can well be taught in solo flight under supervision of an instructor.

response *Partially accepted*

Thank you for providing your opinion.

The Agency agrees that some elements of the training for the rating could be completed during solo flights under supervision of the instructor. The text will be amended accordingly.

comment 7508 comment by: *Gordon Craig*

I fly from a Winch site and the requirement to do 5 hours training from 5 minute winch launches is impractical. Rather than hours requirement there should be a number of launches requirement.

response *Accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

In addition to this it should be mentioned that supervised solo flight time under the supervision of an instructor will be incorporated.

The text will be amended accordingly and an alternative requirement of 20 training flights will be included.

However, it should be pointed out that the statement and justification provided with your comment must be questioned. If it is not possible at your gliding site

to do longer flights than the mentioned '5 minutes flights', the immediate conclusion must be that it is also 'impractical' to provide any aerobatic instructing during these flights and at this operating site. The Agency is aware that you need a certain altitude in order to provide safely aerobatic instruction. If at a certain gliding site due to the specific weather conditions (e.g. sea-breeze) no possibilities exist to perform a longer thermal flight you have to use the launch method aerotow or conduct the aerobatic training on another airfield.

comment **7612** comment by: *cmueller*

FCL.800 (b) (3)  
it could be sufficient to replace 5 hours of dual aerobatic instruction time by at least 3 hours dual and 2 hours solo flight time by being under control of an aerobatic trainer.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

In addition to this, it should be mentioned that supervised solo flight time under the supervision of an instructor will be incorporated.  
The text will be amended accordingly.

comment **7626** comment by: *Oliver Betz*

"5 hours of dual instruction time" doesn't consider the specifics of sailplanes.

Proposal for sailplanes:

- At least part of the training should be possible also as supervised solo flights.
- Lower instruction time requirement for sailplanes.

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

In addition to this, it should be mentioned that supervised solo flight time under the supervision of an instructor will be incorporated.  
The text will be amended accordingly.

comment **7627** comment by: *Mike Armstrong*

Page 42 of 647 FCL 800

I am a self taught aerobatic glider pilot who took some advice from experienced aerobatic pilots before attempting manoeuvres. My skill set now includes inverted flight, slow rolls, stall turns together with the usual semi-aerobatic class of manoeuvres such as stalls, spins, loops, wing overs. I have never damaged an aircraft while doing any of the above and have trained others to safely achieve the same proficiency.

	<p>The regulation proposed seems unnecessary for sailplanes where most pilots only wish to do some recreational semi aerobatic manoeuvres anyway. Perhaps FCL 800 (b) could be modified along the lines of:</p> <p>(3) 5 hours of dual aerobatic instruction time (or, for sailplanes, 20 aerobatic flights which are either dual instruction or supervised solo) with an additional paragraph</p> <p>(4) for sailplanes only, a proficiency check with an instructor who holds an aerobatic rating.</p>
response	<p><b>Noted</b></p> <p>Thank your for providing your opinion.</p> <p>Regarding your general statement that an aerobatic rating is maybe not needed, the Agency does not agree. After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.</p> <p>Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: ‘...the different ratings for pilots’ licences and the medical certificates adequate for the different types of activities performed.’</p> <p>Regarding your proposals for a change of the requirements in (b), please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.</p>
comment	<p>7798 <span style="float: right;">comment by: <i>Matthias SIEBER</i></span></p> <p>Die Wolkenflugberechtigung für Segelflieger sollte beibehalten werden. Bei entsprechender Ausbildung, besteht keine erhöhte Unfallgefahr</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion.</p> <p>It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate rulemaking task: FCL.008.</p> <p>The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.</p>
comment	<p>7827 <span style="float: right;">comment by: <i>Tim FREEGARDE</i></span></p> <p>FCL800</p> <p>The flight time requirement is excessive for modest glider aerobatics, and the requirement for dual instruction time should be broadened to allow instead a component of supervised solo flying. The BGA proposal (20 hours P1) seems sensible.</p>
response	<p><b>Noted</b></p>

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment **7831** comment by: *Europe Air Sports, VP*

The aerobatic rating as described is acceptable to the aeroplane community. The requirements for the sailplane rating must consider the fact that the flight time in aerobatic gliders depends solely on the available altitude above ground level. Therefore the minimum training requirements should be adopted to ask for a certain number of training flights. This should be a task for the review group.

response **Noted**

Thank your for providing your opinion.

Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment **7832** comment by: *Graham Bishop*

FCL.800 Aerobatic rating. Gliders are not normally equipped for the manoeuvres carried out by power machines. Most glider pilots do not do any more than elementary aerobatics. The requirements seem to be set at the level powered flight. The training is currently monitored by local practices that works well. Aerobatic gliders to train to the standards required are not readily available. Aerobatics in gliders must be undertaken at the airfield or they wont get back this allows for even supervised solo aerobatics possible.

response **Noted**

Thank you for providing your opinion.

However, the Agency disagrees with the proposal to delete the aerobatic rating for sailplane pilots. It is right that only a certain amount of sailplanes are certificated for aerobatics but this cannot be the reason to abolish a rating for sailplane pilots which exists in a lot of Member States.

After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

The Agency cannot follow that aerobatic manoeuvres (please see the appropriate AMC material developed for this rating) only need some basic training 'monitored by local practices'. Therefore, the Agency will keep a rating also for sailplane pilots.

Please see also the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.

comment	<p data-bbox="352 203 424 235"><b>8001</b></p> <p data-bbox="1070 203 1445 235">comment by: <i>Andy Balkwill</i></p> <p data-bbox="352 259 1437 421">the requirement for 5 hours of aerobatic flying is unrealistic in the case of gliders. the manoeuvres undertaken are limited in most gliders and the 5 hours specified does not make clear whether this relates to total flight time or time engaged in aerobatic manoeuvres. I support the British gliding Association's proposal in this area.</p>
response	<p data-bbox="352 443 437 474"><i>Noted</i></p> <p data-bbox="352 499 874 530">Thank your for providing your opinion.</p> <p data-bbox="352 562 1437 627">Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.</p>
comment	<p data-bbox="352 687 424 719"><b>8018</b></p> <p data-bbox="1023 687 1445 719">comment by: <i>Claudia Buengen</i></p> <p data-bbox="352 743 1437 871">In a glider, due to the lack of an engine, 5 hours of dual aerobatic instruction time can be very difficult to achieve. A more pragmatic approach for sailplane aerobatic training would be to specify a certain number of dual aerobatic flights.</p> <p data-bbox="352 902 1437 967">Suggestion: change the requirement to 5 hours of dual aerobatic instruction time OR a certain number of launches/dual aerobatic flights, e.g. 15 flights.</p>
response	<p data-bbox="352 992 596 1023"><i>Partially accepted</i></p> <p data-bbox="352 1048 874 1079">Thank your for providing your opinion.</p> <p data-bbox="352 1111 1437 1176">Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.</p>
comment	<p data-bbox="352 1236 424 1267"><b>8038</b></p> <p data-bbox="1142 1236 1445 1267">comment by: <i>Nick Hill</i></p> <p data-bbox="352 1292 1437 1581">There appears to be no distinction between simple and advanced aerobatic manoeuvres. Many UK glider pilots are happy performing elementary aerobatics which under existing regulations are demonstrated and learnt under the control of local club instructors. To learn such aerobatics usually requires a succession of launches at a local club to practice the excersises under supervision of a more experienced instructor. I do believe that tetting an hours limitation on this practice is appropriate but a requirement of say 15 dual launches followed by a number of observed solo attempts would be more appropriate.</p>
response	<p data-bbox="352 1608 437 1639"><i>Noted</i></p> <p data-bbox="352 1664 874 1695">Thank your for providing your opinion.</p> <p data-bbox="352 1727 1437 1792">Please see the response provided to comments No 86 (BGA) and No 425 (BAeA Chairman) in the same segment above.</p> <p data-bbox="352 1823 1437 1977">Additionally, the Agency would like to highlight that the experts did not see a need to create two different levels of aerobatic privileges. As a compromise this level as explained in the AMC will be kept as the only one. Some of the exercises contained in the AMC will be amended slightly based on the input received.</p>

comment	<p>8060 <span style="float: right;">comment by: <i>Ingo Wiebelitz</i></span></p> <p>FCL.800 (3) Kunstflug-Ausbildung im Einsitzer muß insbesondere im Segelflug möglich sein!</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing this comment.</p> <p>The Agency agrees with the proposal of including solo flight time under supervision. The text will be amended accordingly.</p>
comment	<p>8070 <span style="float: right;">comment by: <i>European Sailplane Manufacturers</i></span></p> <p>In FCL.800 (c) category should be understood in the case of sailplanes to include all 4 sub-categories (pure / self sustainer / self launcher / TMG). Otherwise for these very similar aircraft 4 aerobatic courses would be needed which is neither needed nor sensible.</p> <p>Also the 5 hours of instruction time are too much for sailplanes. Typically a single instruction flight is over after max. 5 minutes of aerobatics. This would then need 60 flights!!!!</p> <p>Typically instruction can result into a proficient aerobatic pilot in sailplanes within 10 flights. Also some flights of these can be made in a single-seater or without instructor on board a two-seater under supervision.</p> <p>This should be reflected in the requirement.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>Regarding your question on FCL.800 (c), it should be clarified that the privileges of the LPL(S) or SPL holder with a TMG extension holding an aerobatic rating will include all sailplanes and powered sailplanes (TMG included).</p> <p>Regarding the proposed instruction time (please check the German requirements for such a rating and you will discover the same amount of flight time required), please see the responses provided to comment No 86 (BGA) in the same segment above. The Agency decided to include an alternative requirement asking for at least 20 instruction flights.</p> <p>The Agency agrees with the proposal to allow also supervised solo instruction flights. The text will be amended accordingly.</p>
comment	<p>8237 <span style="float: right;">comment by: <i>AOPA Sweden</i></span></p> <p>AOPA Sweden proposes this is not a rating. Therefore, there should be no skill tests. Instead, we propose a solution where the pilot, after successful training, will receive an entry in his logbook, that gives the pilot the "aerobatic" privileges. This procedure will save resources both at CAA's and for the pilots, without impact on flight safety.</p>

response

*Noted*

Thank you for providing your opinion.

The Agency carefully reviewed the comments received on the following issues:

- rating or qualification,
- proficiency check or not,
- entry of the privilege in the logbook or in the licence.

It was decided to keep the proposal regarding these three issues unchanged. The aerobatic privilege will be called a rating but no skill test will be introduced. The competent authority has to endorse the rating on the licence based on the report of the ATO.

See also the reply to comment 1074 above.

comment

8283

comment by: *Paul Mc G*

UK gliding has many decades' experience of safe aerobatic flying, without currently require a rating. Training is monitored by local practices and rules but does follow a national syllabus, but a license endorsement following a local course would indicate proficiency, perhaps administered through the BGA?

Few glider pilots ever aspire to the level of aerobatics required in the AMC. Surely the general requirement for training is set at far too high a level for sailplane pilots and seems to be largely informed by the powered flying requirements. In addition, there are very few training sailplanes available which are permitted to fly the range of manoeuvres proposed in 4.1

There are reservations about the hours requirements. There is enormous variety in the way that aerobatic instruction time can be logged

In addition, sailplane aerobatics must take place at the airfield, making supervised solo a valuable option.

Part-FCL - Subpart I: Additional Ratings - FCL.805 Sailplane towing and banner towing ratings

The skills of sailplane towing and banner towing are so different that these two activities must be separated. The power flying hours required are too high and the gliding experience too low as has been proven in the past. A rating would protect tug pilots from some instructors but only if ratings were to be removed on complaint!!! Some people never learn!!

response

*Noted*

Thank you for providing your opinion.

However, the Agency disagrees with the proposal to delete the aerobatic rating for sailplane pilots. It is right that only a certain amount of sailplanes is certificated for aerobatics but this cannot be the reason to abolish a rating for sailplane pilots which exists in a lot of Member States.

After having done an evaluation of the existing ratings in Europe, the Agency has decided in close cooperation with the licensing experts to develop requirements for some of the ratings which are currently in place in several Member States. Aerobatic Flying is considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe.

The Agency cannot follow that aerobatic manoeuvres (please see the

appropriate AMC material developed for this rating) only need some basic training based on some 'local practices'. Therefore, the Agency will keep a rating also for sailplane pilots. Please see also the response provided to comment No 86 (BGA) in the same segment above.

The Agency agrees with the proposal to include also supervised solo training flights. The text will be amended accordingly.

In addition to this, the comment mentions the amount of training required. Based on the comments received, the Agency has decided to change the training requirement for the sailplane aerobatic training and to add a number of take offs.

The additional comment on the sailplane towing rating should be addressed to another paragraph (FCL.805). Please see the responses provided in the appropriate segment and check the resulting text.

**B. Draft Opinion Part-FCL — Subpart I: Additional Ratings — FCL.805  
Sailplane towing and banner towing ratings**

p. 42

comment

47

comment by: *Stefan JAUDAS*

FCL.805(b)

100 hours of flight time to be eligible for a sailplane towing rating appears to be excessive.

50 hours has been shown in Germany to be more than sufficient, with no less than 5 hours on the type and model of TMG or towplane to be used.

It would seem to be appropriate to use established practice. There is no objective rationale to up this.

response

*Noted*

Thank you for providing your opinion.

It should be clarified that the proposal for the towing ratings is based on an evaluation of the existing requirements for towing operations in the Member States. Towing of sailplanes is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

As you are referring to the German requirements actually in place, the Agency would like to clarify this issue. The German regulations (LuftPersV § 84) require as a prerequisite 30 hours on aeroplanes only (not on sailplanes/helicopters) and 5 hours on the type of aeroplane which should be used to conduct the training.

The EASA proposal contained in the NPA asked for 40 hours on aeroplanes (or TMG) and no specific requirement for the minimum experience on the 'type' used for the training. The 100 hours total PIC time mentioned in the NPA could be flown in sailplanes, helicopter or other categories of aircraft.

After having done a careful review of all the comments received (a majority of comments asked the Agency to lower the requirements drastically) and discussing this issue again with the experts, the Agency decided to lower the amount of minimum flight hours and ask only for at least 30 hours in the

specific class after licence issue.

The text will be amended accordingly. It should be mentioned that the Agency, based on other comments, also decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

It is the opinion of the Agency that the additional requirement for 5 hours flight time on the aeroplane 'type' used for the training does not make sense as the candidate will be allowed to use any other towing aeroplane within that class rating later on without such an additional experience requirement. As the instructor for the towing rating will anyway check if the future towing pilot has enough experience 'on type' in order to be able to achieve a safe and competent towing standard on this aircraft, the Agency will not introduce such an additional requirement.

comment

144

comment by: GFD-OES

Add a new paragraph:

FCL.xxx Target towing rating

(a) Holders of a pilot licence with privileges to fly aeroplanes shall only tow targets, other than sailplanes or banners, when they hold the appropriate towing rating as pilot-in-command.

(b) Applicants for a towing rating shall have completed:

- (1) at least 150 hours of flight time as pilot-in-command in aeroplanes;
- (2) theoretical knowledge instruction on towing operations and procedures;
- (3) 5 dual instruction flights with a CRI(A) or TRI(A) towing a target, other than a banner or a sailplane;

response

*Not accepted*

Thank you for providing your comment.

The proposed three additional ratings (compared with JAR-FCL) are based on an evaluation of the existing rating in the different Member States. Based on this evaluation the drafting group decided to develop at this stage only requirements for aerobatic, towing, mountain and night ratings.

As there was no indication so far that further ratings are needed, the Agency will not introduce at this stage new elements which are not based on a proper safety assessment. However, it should be mentioned that the development of such a rating (as proposed in your comment) could be covered in the future by initiating an additional rulemaking task.

As most of these proposed additional ratings will be used anyway only for commercial purposes, the OPS requirements will provide the necessary framework as a system of Standard Operating Procedures (SOPs) for each of the aerial work activities envisaged.

comment

146

comment by: GFD-OES

Another new rating.

I like the german rating for sailplanes to fly legally in clouds (Wolkenflugberechtigung, §85 LuftPersV). I think, flying for an extended period

in clouds with a glider does not make to much sense, but to train for an inadvertent entry into clouds and how to get safely out of that situation is important. Please consider this safety issue, not all the europeans are allowed to fly VFR in IMC. The paragraph in the german LuftPersV seems appropriate, and if you need a translation, let me know.

response *Noted*

Thank you for providing your opinion.

It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate rulemaking task: FCL.008.

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

Most of the national requirements (like the mentioned 'Wolkenflugberechtigung' in the German LuftPersV) have been evaluated already and the future proposals will be based on this evaluation.

comment *187*

comment by: *Aero-Club of Switzerland*

The number of hours the Agency is asking for ist very much too high. They have to be deleted. There is no reason for 150 hours as PiC/100 hours respectively. It's the introduction to the matter that brings best results, not the number of flight hours accomplished in no relation with banner or sailplane towing.

Theoretical knowledge instruction is ok, but 10 hours of dual instruction are too much. They Agency only should ask for adequate training.

To ask for 3 familiarisation flights is a good idea!

(For your information only: Banner towing is not allowed in Switzerland.)

Justification: In our country, for instance, the young pilots very often engage in sailplane towing to gain flight hours and flight experience. The organisations train these pilots according to comprehensive programmes.

Delete all about sailplane towing in FCL.805 and create a separate paragraph.

Justification: We do not believe in the acceptance of banner towing in Switzerland, so we prefer to find all about sailplane towing in one separate paragraph which may be stipulated as follows:

FCL:XXX sailplane towing rating

(a) Holders of a Pilot license with privileges to fly aeroplanes or touring motor gliders shall only tow sailplanes when the hold the appropriate sailplane towing rating.

(b) Applicants for a towing rating shall have completed:

(1) at least 50 hours of flight time as pilot-in-command. At least 20 of these hours shall be in aeroplane, if the activity is to be carried out in aeroplanes, or touring motor gliders, if the activity is is to be carried out in touring motor

gliders;  
 (2) theoretical knowledge instruction on towing operations and procedures;  
 (3) 10 dual instruction flights towing a sailplane.

Justification: In our country, for instance, the young pilots very often engage in sailplane towing to gain flight hours and flight experience. The organisations train these pilots according to comprehensive programmes.

response *Partially accepted*

Thank you for providing your opinion.

As to your comments on the required amount of flight time as a prerequisite to start with the instruction, please see the response provided to comment No 47 (S. Jaudas) in the same segment above. The agreed new number for the minimum flight time will be 30 hours on aeroplanes (or TMG). Additionally a certain amount of take-offs will be added.

Regarding the flight instruction to be provided, your comment must have been based on a misunderstanding as the proposal is asking for 10 dual instruction flights and not for 10 hours.

Regarding the agreed changes for the banner towing rating, please see the responses provided in this segment and check the resulting text. The required minimum flight time will be lowered to 100 hours but all to be flown on the specific class of aircraft and an additional amount of 200 take-offs (after licence issue).

The two ratings will be kept both in one paragraph but a subdivision will be incorporated in order to better address the differences.

comment 306

comment by: *rod little*

Glider towing has been perfectly well regulated by gliding clubs themselves deciding who shall tow gliders and providing sufficient training so that they may do so safely why do we need a special rating for that

response *Noted*

Thank you for providing your opinion.

However, the Agency does not agree with your proposal to delete the proposed towing rating. The decision to develop requirements for a towing rating is based on an evaluation of the existing ratings in the Member States. Towing of sailplanes is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe. The Agency therefore has decided to keep this rating.

It should be mentioned also that Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: ‘...the different ratings for pilots’ licences and the medical certificates adequate for the different types of activities performed.’

comment 345

comment by: *Paweł Góra*

FCL.805(b)(1). 100 hours as PIC for sailplane towing is quite a big number. As

paractice shows 100 h of total time seems to be well enough (or maybe even lower number), and it could be reduced to 50 h for pilots having SPL. For instance nowadays in Poland there is requirement to collect 70 h of total time, and if the towing pilot has also SPL it is reduced to 40 h total time.

response *Noted*

Thank you for providing your opinion.

However, the mentioned numbers in your proposal (Poland: 70 hours total and 40 in aeroplanes) are not too different from the ones proposed in the NPA. The EASA proposal in FCL.805 asked for 100 hours total flight experience on any category of aircraft including 40 hours on aeroplanes if the activity should be carried out in aeroplanes.

After having done a careful review of all the comments received (a majority of comments asked the Agency to lower the requirements drastically) and discussing this issue again with the experts, the Agency decided to lower the amount of minimum flight hours and ask for at least 30 hours and 60 take-offs in the specific class after the issue of the licence. The text will be amended accordingly.

Please see also the replies provided in this segment and check also the resulting text.

comment 478

comment by: *E.I.S. Aircraft*

Our company is towing sleeve targets for life firing for the military armed forces in germany (for more than 30 years). Our targets are released out of a winching machine attached to the aircraft wing (exclusively in mil. restricted areas). Our trainingsyllabus for the rating is accepted by our national authority. The possibility for national exeptions should be mentioned in a paragraph.

The national rating to "drop or release" fluids or other materials from aircraft or heli (crop duster) is not mentioned. Will this stay as an national issue?

response *Noted*

Thank you for providing your comment.

The proposed three additional ratings (compared with JAR-FCL) are based on an evaluation of the existing rating in the different Member States. Based on this evaluation the drafting group decided to develop at this stage only requirements for aerobatic, towing, mountain and night ratings.

As there was no indication so far that further ratings are needed, the Agency will not introduce at this stage new elements which are not based on a proper safety assessment. However, it should be mentioned that the development of such a rating (as proposed in your comment) could be covered in the future by initiating an additional rulemaking task.

As most of these proposed additional ratings will be used anyway only for commercial purposes, the OPS requirements will provide the necessary framework as a system of Standard Operating Procedures (SOPs) for each of the aerial work activities envisaged.

The national procedures already in place in your country could be accepted as an alternative AMC to the applicable OPS requirement.

comment	<p>518 <span style="float: right;">comment by: FOCA Switzerland</span></p> <p>I/FCL.805  <b>Proposal: (b)(1) Completion of at least 50 hrs of flight time for towing rating</b></p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your opinion.</p> <p>The Agency does not agree with your proposal requiring only one general amount of flight time for both ratings.</p> <p>Based on a carefull review of the comments, the Agency decided to lower the requirement in (b)(1) in order to ask for 30 hours on aeroplanes (or TMG) for the sailplane towing rating and 100 hours on class for the banner towing rating. It should be mentioned that the Agency, based on other comments, also decided to require a certain amount of take-offs (at least 60 for sailplane towing and 200 for banner towing) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).</p> <p>Please see also the response provided to comment No 47 (S. Jaudas) in the same segment above.</p>
comment	<p>520 <span style="float: right;">comment by: Geschäftsführer Luftsportverband RP</span></p> <p>Reduzierung der geforderten Flugstunden auf seit Jahrzehnten bewährte deutsche Werte:</p> <p>(b) (1) at least 75 hours of flight time as PIC for the banner towing rating or 50 hours of flight time as PIC for the sailplane towing rating . At least 30 of these hours shall be ....."</p> <p>Auch beim Segelflugschlepp kann es in den Vereinen Schleppmaschinen geben, die nur sehr schlecht für einen doppelsitzigen Schlepp geeignet sind. Es kann auch unter Aufsicht eines Fluglehrers geschleppt werden. Daher Satz (b) (3) das "dual" streichen:</p> <p>10 instruction flights towing either banner or a sailplane with or under supervision of an instruktor</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>The Agency agrees with your proposal and will lower the requirement in (b)(1) in order to ask for 100 hours flight time for the banner towing rating and 30 hours on aeroplanes (or TMG) for the sailplane towing rating.</p> <p>Please see also the response provided to comment No 47 (S. Jaudas) in the same segment above. It should be mentioned also that the Agency, based on other comments, decided to require a certain amount of take-offs (at least 60 take-offs for sailplane towing and 200 for banner towing) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).</p>

The additional proposal to allow also solo instruction flights under supervision will be included.

comment

571

comment by: *British Gliding Association***FCL.805** (page 42)*Comment:*

*There are a number of flaws in the NPA for a towing rating.*

- 1. Combining sailplane and banner towing requirements leads to an unwieldy specification which misses the important point (3. below).*
- 2. UK experience has proved that a rating is not necessary.*
- 3. The power flying hours required are too high & the gliding experience too low.*
- 4. Although we understand EASA's intent to be that any sort of FI or LAFI who holds a tug rating can do the dual flying, we cannot be confident that the NPA supports this intent. In particular: FCL.915 (b) (2) (ii) can be interpreted to limit this flying to FI(A) or LAFI(A) only.*

*Power & Gliding Requirements*

*The purpose of an aerotow is to deliver the sailplane pilot to the point in the sky where s/he needs to be, economically and safely. A crucial component of a tug pilot's skills is an understanding of the sailplane pilot's needs: tug pilots must be skilled in both flying aeroplanes and gliding/soaring.*

*The long term experience of UK gliding clubs is that powered pilots with bare knowledge of sailplane flying need a great deal of training. In contrast, glider pilots with little more than a power licence can quickly achieve the required standard. Where clubs have tried using 'pure' power pilots with minimal gliding experience the resulting tows can be ineffective and sometimes dangerous. Safe and effective glider towing requires a fuller understanding of the sailplane pilot's needs than can be imparted by a mere 3 familiarisation flights.*

*This experience is closely matched by military flying. No air force would dream of introducing formation leading until a pilot is a competent "No2" (in this case a competent aerotow glider pilot). Formation and aerotowing skills are almost identical. The NPA requirement of 40hrs in command of aeroplanes, yet only 3 familiarisation flights in an aerotowed sailplane is completely the wrong way round.*

*The items below reflect our hard won experience. Paragraphs (4)(ii)&(iii) maintain the option of using "pure" aeroplane pilots but increase the sailplane experience to a suitable minimum level.*

*Instructors & Summary*

*A requirement that limited dual flying to FI(A)s and LAFI(A)s would result in expensive instructors, with minimal understanding of the subject they are teaching, to train pilots with the wrong experience themselves, for a rating that has been proven to be unnecessary.*

**BGA Proposal**

***First: the banner and sailplane towing ratings should be segregated.***

***Second: remove all reference to the towing rating for sailplanes.***

***In the event that EASA considers the removal of the towing rating for sailplanes as impossible, then the BGA offers an alternative, and in its view more appropriate set of rules for such a rating.***

**ALTERNATIVE WORDS FOR SAILPLANE TOWING**

***(Perhaps FCL.806)***

***"Applicants for a sailplane towing rating shall have:***

***(1) 100 hours flight time as pilot-in-command.***

***(2) received appropriate theoretical knowledge instruction on towing operations and procedures .***

***(3) completed 10 dual instruction flights towing a sailplane.***

***(4) either (i) and (ii), or, (iii) and (iv):***

***(i) LPL(S) or SPL with aerotow launching restriction removed, and***

***(ii) 5 hours pilot-in-command on the aircraft type involved.***

***or***

***(ii) The experience specified in FCL.805 for banner towing, and***

***(iii) Demonstrate flying a sailplane on aerotow to the same standard that is required for a LPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches.***

**FINALLY**

***1. Delete the requirement for 40 hours in type.***

***2. There are 4 different licences to which a towing rating can be attached LPL(A), PPL(A), LPL(S) with TMG, & SPL with TMG. It should be clear that the appropriate towing rating on one licence is valid for all.***

**FCL.905.CRI**

**3. Add to FCL.905.CRI CRI - Privileges and Conditions**

***(a) ..... and towing ratings.***

response

*Partially accepted*

Thank you for providing your opinion.

However, the Agency does not really understand the first statement in which it is stated that the combination of sailplane and banner towing requirements will lead to an 'unwieldy specification which misses the important point'. As the requirement is written some of the prerequisites are differently defined (150 hours flight time as PIC for banner towing and 100 hours for sailplane towing) whereas some others are specified for each kind of operation (like (b)(4)). Checking your comment it seems that the most important point for your organisation will be the required flight time in aeroplanes and the required experience in sailplanes but this has nothing to do with a separation of the two ratings.

However, taking this kind of comments into account the Agency will separate the banner towing requirements from the sailplane requirements (but keep them both in FCL.805).

Regarding your item No 2, it should be highlighted that the decision to develop requirements for a towing rating was based on an evaluation of the existing ratings in different Member States. Based on this evaluation (actually there are towing ratings in force in several Member States), the experts of the drafting

group proposed to create such a European towing rating and the Agency agreed. Towing of sailplanes is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe. All the proposals for the prerequisites and the content of the training are based on this evaluation. It should be mentioned also that Article 7(5) of the Basic Regulation asks for measures which shall specify in particular: '...the different ratings for pilots' licences and the medical certificates adequate for the different types of activities performed.'

Regarding your comment No 3, which says that the required flight time on aeroplanes is too high and the gliding experience is too low, the following explanations have to be provided. The EASA proposal contained in the NPA asked for 40 hours on aeroplanes (or TMG) and had no specific requirement for the minimum experience on the 'type' used for the training (your proposal to 'delete the 40 hours on type' is based on a misunderstanding). The remaining 60 hours (100 hours total PIC time were required) could be flown in sailplanes, helicopter or other categories of aircraft.

After having done a careful review of all the comments received (a majority of comments asking the Agency to lower these requirements drastically) and discussing this issue again with the experts, the Agency decided to lower the amount of minimum flight hours and asks for at least 30 hours in the specific class (SEP or TMG) after the issue of the licence. It should be mentioned also that the Agency, based on other comments received, decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly.

Regarding the issue of the proposed amount of experience on sailplanes, the Agency does not agree with the concept of requiring a towing pilot to be able to fly a sailplane on aerotow as proposed by you. Your opinion about the 'key elements' for the knowledge and experience of the future towing pilot is understood but the experience in most of the other Member States has shown that this is not necessarily the case and can therefore be seen differently.

It can be questioned who will be the 'better' (focusing on a safe aerotow only) towing pilot on a Piper Pawnee or on a DR 400 Remoqueur:

1. The experienced aeroplane pilot with 250 hours flight time on aeroplanes and 50 hours on the club's Piper Pawnee after having received the proposed 10 dual towing instruction flights and after having completed 3 familiarisation flights in a sailplane being launched by an aeroplane, or
2. The experienced glider pilot having flown 250 hours on sailplanes including 350 winch launches and only 10 aerotows in a sailplane, holding also an LPL(A) with only 42 hours of total experience on a single-engine piston aircraft.

For the Agency this example shows clearly that no case is as simple and easy as provided in your comment. The general statement claiming that 'glider pilots with little more than a power licence can quickly achieve the required standard' whereas 'using "pure" power pilots with minimal gliding experience the resulting tow can be ineffective and sometimes dangerous' is not supported. The Agency agrees that from the sailplane pilot's view (having mainly effectiveness, the place to be launched and the costs in mind) a tug pilot being also a sailplane pilot would be the ideal solution but for the Agency a safe aerotow based on the high experience of the tug pilot on aeroplanes who has the basic knowledge about the glider pilot's perspective is much more

important. In order to be also an 'effective' towing pilot the aeroplane pilot will need only a few flights to understand what will be the best (based on effectiveness) route for the launch under certain conditions and to receive the necessary knowledge about the best place to release.

Additionally the Agency would like to highlight that an important element is totally missing in your justification. Following your logic and the comparison with 'formation flights' and the request to allow this only if 'a pilot is a competent No 2', would clearly mean also that all the sailplane pilots starting the training for the launch method aerotow must have also the basic knowledge and experience to fly the towing aeroplane. The Agency discussed this issue of adding some additional familiarisation flights in an aeroplane for the LPL(S) or SPL licence holder when starting the additional training for the launch method aero-tow but decided not to introduce such an additional requirement at this stage.

As the Agency does not agree with this comparison ('formation flight') it was decided not to follow your proposal (copied by several other comments) and keep the possibility for a 'pure' aeroplane or TMG pilot to start the training for this rating. In order to address your concerns, the Agency will raise the amount of familiarisation flights in a sailplane and require 5 such flights. The Agency strongly believes that a competent LAFI(S) or FI(S) will be able to show the future towing pilot all the necessary exercises (including emergency procedures) during these five launches in order to guarantee the necessary basic knowledge about the sailplane related specifics. Based on the fact that a sailplane pilot who intends to extend his/her privileges to aerotow only needs to conduct 5 dual instruction flights to be able to fly solo behind the towing aircraft, these 5 familiarisation flights will be more than enough to demonstrate the specifics to the tug pilot.

Regarding your item No 4, the Agency has carefully reviewed the issue and came to the conclusion that you are right with your statement concerning FCL.915 (b) which defines that an instructor shall hold at least the licence and rating for which the instruction is to be given, which must be read that this will ask for an FI(A) or LAFI(A) to be allowed to provide training for the towing rating in an aeroplane. For providing the instruction on a TMG, also an LAFI(S) with TMG extension (with towing rating) will be allowed to do so.

Concerning the towing privileges for different aircraft classes (SEP/TMG), the Agency decided to introduce an additional requirement asking for at least three dual instruction flights towing a sailplane on the other class in order to extend the privileges.

Regarding your final issue of extending the privileges of the CRI, please see the responses provided to the comment on FCL.905.CRI.

comment

576

comment by: *Olaf Heymann*

Currently the minimum flight time to apply for a sailplane tow rating is 30 hours (in Germany). In the past this was sufficient, so why will it be increased to 100 hours?

Wouldn't, let's say 50 hours, be sufficient to get enough experience?

response

*Noted*

Thank you for providing your opinion.

However, the Agency would like to highlight that the drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. As you are referring to the German requirements actually in place, the Agency would like to clarify this issue. The German requirements (LuftPersV § 84) require as a prerequisite 30 hours on aeroplanes only (not on sailplanes/helicopters) and 5 hours on the type of aeroplane which should be used to conduct the training. The EASA proposal contained in the NPA asked for 40 hours on aeroplanes and had no specific requirement for the minimum experience on the type used for the training. The 100 hours total PIC time mentioned in FCL.805 could be flown in sailplanes, helicopter or other categories of aircraft.

Taking into account all the comments received and discussing this issue again with the experts, the Agency decided to lower the proposed minimum flight hours in (b)(1) in order to read 'at least 30 hours flight time in aeroplanes'. It should be also mentioned that the Agency, based on other comments received, decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly. Please see the resulting text.

comment

801

comment by: *Robert Cronk*

My comments here are in the context of my being an experienced tug pilot with around 5,000 launches flown to date.

Para (b) (1)

(1) Most power pilots converting to fly the tug to launch gliders will also be glider pilots. The best tow pilots are always glider pilots. Tow pilots that are not already glider pilots are generally poor tow pilots and potentially even dangerous; they will always require much more extensive training than an experienced glider pilot with a recent power flying licence.

(2) A power pilot with 100 hours P1 in a Cessna or Piper, and no other experience, will almost never be considered acceptable for training as a tow pilot.

(3) A glider pilot with 100 hours P1 gliding, and 25 hours power flying, is very likely to be a better and safer convert to fly the tow aircraft.

(4) What is important is (a) intimate familiarity with the glider pilots perspective and requirements, and (b) flying the aircraft being second nature, allowing concentration on the specifics of flying the tow correctly.

Para (b) (2) - no problem, agreed.

Para (b) (3) -

(1) 10 hours dual instruction means upwards of 60 launches. This is way beyond what should be necessary to teach an appropriate candidate under dual supervision to reach a safe standard. Yet again, it is the standard which is relevant, not the number of hours!

(2) Some clubs do not own a two seat aircraft, using a Pawnee as their tug, so extended dual instruction is not practical; these clubs would need to either hire in a two seat tug aircraft for the purpose or send their trainee to another club for training. The first option is not practical for the extended period necessary for a minimum number of hours of dual - when other member tug pilots also need to fly to maintain their currency, and there are only as many launches

available to do as there are glider pilots requiring a launch. The second option is practical for short periods of training only, as again the host club has other members needing to fly for their currency, and a finite number of launches available to fly.

(3) The 'instruction' would presumably have to be by an approved LAFI(A) or FI(A), the services of whom are not generally available to gliding clubs, and who themselves may not be experienced and current tow pilots. This would be a significant problem. Gliding clubs have managed to train new tow pilots very successfully and safely over the years by using their own most experienced tow pilots (who are themselves also experienced and current glider pilots) in the training capacity in respect to the differences relating to being an effective and safe tow pilot. This should continue.

Point (b) (4) - In practice, no powered pilot will fly the tow aircraft at our club unless they have gone solo in a glider. For us, this is the very minimum standard.

response *Noted*

Thank you for providing your opinion.

The Agency agrees that an intimate familiarity with the sailplane pilot's perspective will be very helpful for a future tow pilot. However, the Agency does not agree with the statement that a PPL(A) licence holder with 100 hours total flying time but with only limited experience on sailplanes must be considered as being a 'generally poor tow pilot' and that allowing these pilots to start the training for this rating would be 'potentially even dangerous'. The drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. The Agency believes that with a certain amount of familiarisation flights in a sailplane the future tow pilot will receive the necessary knowledge required for the safe conduct of launches.

Paragraph (b)(3) requires 10 dual instruction flights (not hours). It seems that the problem mentioned in the comment is based on a misinterpretation of this paragraph (comment copied by several other stakeholders).

Regarding the proposed solo flight, the Agency agrees and will allow also solo flights under supervision.

For all the other comments, please see the response provided already to comment No 571 (BGA) in the same segment above.

comment 869

comment by: *Stefan Kramer*

Die hier geforderte Flugerfahrung ist deutlich zu hoch. Eine Gesamtzeit von 75 Stunden sowie 30 Stunden auf dem Muster sollten allemal hinreichend sein.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment 883

comment by: *ASW-27B*

	<p>75 Stunden als PIC und 30 Stunden auf dem Schleppmuster reicht aus. 25 Stunden mehr als PIC bedeuten bei einem Stundenpreis von 200 € Mehrkosten in Höhe von 5000€. Ein Pilot mit 75 Stunden fliegt nicht wirklich schlechter, wie einer mit 100 Stunden.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.</p>
comment	<p>923 <span style="float: right;">comment by: <i>Rory OCONOR</i></span></p> <p>I support the BGAs comments. Sailplane towing requires:</p> <ul style="list-style-type: none"> <li>a) considerable understanding of sailplane issues and the environment of a gliding site</li> <li>b) basic SEP flying ability</li> <li>c) some instruction</li> </ul> <p>A non-gliding power pilot is likely to but much more at risk than a sailplane pilot with relatively little power experience.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. See the response already provided to comment No 571 (BGA) in the same segment above.</p>
comment	<p>971 <span style="float: right;">comment by: <i>Alastair MacGregor</i></span></p> <p>Sailplane towing ratings are not necessary. Our gliding club and all I am aware of in the UK have operated to a high standard without the need for a rating.</p> <p>100 hours is far too high a requirement. Most tow plane pilots are high hour glider pilots who only require a minimal number of hours to convert to a powered aircraft and tow.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. See the response already provided to comment No 571 (BGA) in the same segment above.</p>
comment	<p>1015 <span style="float: right;">comment by: <i>George Rowden</i></span></p> <p><i>Comment: Experience in the UK has shown that for maximum benefit and safety, the pilot of the towing aeroplane (tug) needs to have a full understanding of the sailplane pilot's needs. Consequently, in the UK, the best tug pilots are invariably sailplane pilots who have learnt to fly the tug without any need for a sailplane towing rating. Conversely, getting competent power pilots to tow sailplanes with very little understanding of the needs of the sailplane pilot is at the best inefficient and sometimes dangerous. Thus this NPA requirement of 40hrs in command of aeroplanes, yet only 3 familiarisation flights in an aerotowed sailplane puts the emphasis on skill in the wrong direction. Further, in proposing that dual instruction flights will mainly require</i></p>

*an expensive and difficult to get hold of LAFI(A) or FI(A), the proposal excludes the very pilots with the experience to effectively teach towing (ie pilots with sailplane skills). UK experience is that soaring pilots with CRI ratings are great success in this role but this option has not been included in the NPA.*

I therefore propose that the emphasis of training is changed from that in the NPA to match that of current proven practice. In particular, providing options to use other than **LAFI(A)s, FI(A)s for dual instructional flights in the towing aeroplane and removing the aerotow launching restriction from LAPL(S) or SPL pilots. It should also be the case that pilots who have demonstrated they are competent to tow sailplanes to the same standard as that required to have the aerotowing restriction removed by LAPL(S) or SPL holder should be awarded the endorsement after a minimum number of launches.**

response *Noted*

Thank you for providing your opinion.

Please see the reply to comment 571 above.

comment **1074** comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

**Comment:**

Clarifications.

Are these ratings valid forever?

Do we require a skill test for these ratings?

Shall these ratings be endorsed on the licence?

**Proposal:** It seems that something is missing in the requirement for these ratings.

response *Noted*

The Agency acknowledges your opinion.

Please see the responses already provided to the same comment provided by you in different other segments.

The Agency will keep an unlimited rating, will not introduce a skill test and FCL.015 requires that the rating has to be endorsed on the licence.

comment **1153** comment by: *Schäfer*

Reduzierung der erforderlichen stundenzahl bei Segelflugschlepp auf 100 Std PIC und 30 Stunden auf dem Schleppmuster als PIC

response *Partially accepted*

Thank you for providing your opinion.

However, the mentioned numbers are not too different from the ones proposed in the NPA. The EASA proposal in FCL.805 asked for 100 hours total flight experience on any category of aircraft but 40 hours on aeroplanes if the activity should be carried out in aeroplanes.

Taking into account all the comments received and discussing this issue again

with the experts, the Agency decided to lower the proposed minimum flight hours slightly. The text will be amended accordingly.

See also response provided to comment No 47 in the same segment above.

comment **1175** comment by: *Thomas Reusch*

Nein. 50 Stunden als PIC und 15 Stunden auf Schleppmuster sind ausreichend. Sonst zu hohe Kosten.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1182** comment by: *Manfred Steiner*

FCL.805 (b) (1)

Auch hier eine vollkommen überzogene Forderung. 20 bis 30 Stunden und 5 Std auf dem Typ mit dem geschleppt werden soll reichen m.e. vollkommen aus. Ein junger Schleppilot der im Verein schleppen soll muss bei dieser Forderung ca. 15000 euro investieren um unendgeldlich in seinem Verien schleppen zu dürfen. Damit wird diese Startart wohl bald begraben werden müssen.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1201** comment by: *Luftsportverband Rheinland Pfalz*

FCL 805 (b) (1) 100 hours streichen und ersetzen durch

- 50 hours as pilot in command. At least 25 of these hours shall be in aeroplanes ....or in touring motor gliders ....

Dies entspricht der bisherigen Regelung in Deutschland. Bereits jetzt gibt es zu wenige Piloten mit einer Schleppberechtigung. Die Erhöhung auf 100 h bedeutet eine Verteuerung der Erlangung der Schleppberechtigung.

response *Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1335** comment by: *Trevor Nash*

I would argue that a Glider tug pilot should be a current glider pilot, so that they are fully aware of what a gliders capabilities are in the event of a cable break or some other problem with the tow plane.

response *Noted*

Thank you for providing your opinion.

The Agency agrees that an intimate familiarity with the sailplane pilot's perspective will be very helpful for a future tow pilot. However, the Agency does not agree with the statement that a glider tow pilot must be also a licensed sailplane pilot in order to be allowed to start the training for this rating. The drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. The Agency believes that with a certain amount of familiarisation flights in a sailplane the future tow pilot will receive the necessary knowledge required for the safe conduct of launches.

Please see also the reply to comment 571 above.

comment

1361

comment by: *George Knight*

FCL.805.

Sailplane towing rating.

(b)(1) The requirement for a holder of a PPL with single-engine aeroplane, TMG and glider ratings who already has a rating to tow using an aeroplane to have completed 40 hours on TMG before being allowed to tow with a TMG is unreasonable.

Once a pilot has a towing rating it should be possible to extend its privileges from aeroplane to TMG or TMG to aeroplane with a minimum of three check flights with an instructor for the rating in the class or type to be added - and an entry be made in the pilot's log book.

response

*Noted*

Thank you for providing your opinion.

The Agency carefully reviewed this issue raised in your comment. The requirement in (b)(1) will be amended to read: '30 hours flight time in aeroplanes' (or TMG). It should be also mentioned that the Agency, based on other comments received, decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly.

The Agency agrees with your proposal to ask for three additional training flights in order to extend the privileges to another class (aeroplanes or TMGs). The text will be amended accordingly in order to address this (see FCL.805 (d)).

comment

1399

comment by: *Wilfried Müller*

The conditions for the launch method aero tow are much on the high site. A reduction of 75 hours as PIC and minimum 30 hours on the type of aircraft being used for towing would be sufficient.

Wilfried Müller 11-27-2008

response

*Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1486** comment by: *Andrew Sampson*

Sailplane towing is a specialised skill and should not be treated in the same manner as banner towing.  
The proposed "3 familiarisation flights" seems wholly inadequate, whilst the requirement for hours seems excessive. Ideally those seeking a sailplane towing rating should be experienced sailplane pilots.

response **Noted**

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.

comment **1490** comment by: *Richard WHITAKER*

Sailplane towing is a highly specialised operation and therefore I propose three modifications to the FCL805 proposal:

1. Instruction for a sailplane towing rating should be provided by a pilot who holds the sailplane towing rating themselves - not necessarily an instructor. The critical point is knowledge of towing operations.
2. Sailplane towing ratings should only be awarded to pilots who have demonstrated competence at flying gliders on aerotow - 3 launches is not sufficient.
3. Existing experienced towplane pilots should be awarded the towing rating automatically.

response **Noted**

Thank you for providing your opinion.

Regarding your first proposal, it must be pointed out that the Basic Regulation which is the framework to be followed clearly requires that only instructors should be allowed to provide flight training. Based on this the Agency does not agree with your proposal.

Regarding item 2, please see the response already provided to comment No 571 (BGA) in the same segment above.

As to your last issue, please be aware that the conversion of existing ratings and licences is not part of this NPA. It will be regulated in a different document. Existing national ratings should be transferred into the new system to allow the licence holder to continue with his/her privileges.

comment **1491** comment by: *Klaus-Dieter Schoenborn*

FCL.805 states that the minimum required hours of flight time is 100 before applying to a sailplane towing rating. The current minimum required in Germany is 30 hours of flight time. The proposed minimum therefore is exceeding the current minimum by 70 hours.

impact on safety:

We do not see any enhancement in safety due to the proposed regulation. Sailplane towing does not require any extraordinary technical skills. It does not require any navigational and meteorological skills. Proper handling of the airplane already has been approved by the preceding Private pilot examination and class rating. We have not seen any safety problems with the german 30 hour rule in our club.

social impact:

The impact will be fatal. The typical towing pilot in a soaring club that is impacted by this rule is a junior pilot that has just made his license. The current rate for a single piston airplane is in the range of 150 to 200 EUR per hour. That means, an ongoing tow plane pilot will currently have to invest another 10.000 to 14.000 EUR before enjoying the privilege of building up hours in airplanes without additional cost. This is about the same amount of money that he has just invested in his license. In consequence, the clubs will soon be running out of tow plane pilots.

environmental impact:

There will be an impact on the environment because there will be an additional 70 hours per tow pilot flown before she/he can apply for a sailplane towing rating. It is likely that these hours will be flown in close proximity of the airfield which will lead to noise problems.

Proposed solution:

1. Adopt to the german rule of 30 hours as pilot-in-command for a sailplane towing rating.
2. We propose to change FCL.805(b3) to 5 dual instruction flights and 5 solo flights. This is the german rule and we did not see any problems with it.
3. If the applicant has a valid LPL(S) or SPL license with a valid airplane towing takeoff rating, omit FCL.805(b4). This is the german rule and we did not see any problem with it.

Additional remarks on examination for airplane towing rating:

We could not find a rule for the examiners level to issue an airplane towing rating. The german rule is a form filled out by a Flight instructor (SEP) or a Flight Instructor (SPL) with valid airplane towing takeoff rating that states that the requirements for the applicant are fulfilled. This form is sent to the responsible authority for approval and the applicants license is amendet without further theoretical or practical examination. From our experience, there have not been any problems in the past with this rule.

response

*Partially accepted*

Thank you for providing your opinion.

However, the Agency would like to highlight that the drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. The German requirements for example (LuftPersV § 84) require as a prerequisite 30 hours on aeroplanes only (not on sailplanes/helicopters) and 5 hours on the type of aeroplane which should be used to conduct the training. The EASA proposal contained in the NPA requires 40 hours on aeroplanes and no specific requirement for the minimum experience on the type used for the training. The 100 hours total PIC time mentioned in FCL.805 could be flown in sailplanes, helicopter or other categories of aircraft.

Taking into account all the comments received and discussing this issue again with the experts, the Agency decided to lower the proposed minimum flight hours slightly. The text will be amended accordingly.

The Agency agrees with your proposal to exempt LPL(S) or SPL holders with the extension for aero-tow from the requirement in (b)(4).

Regarding the other issues mentioned (LAFI(S)/FI(S) providing instruction for this rating), please see the response provided to comment No 571 (BGA) in the same segment above.

comment

1505

comment by: *Volker ENGELMANN*

The number of necessary hours for banner and or glider towing is far to high. As commented in other sections before: The flight hours do not guarantee any special flight experience. The number of take off and landings, the number of airfields operated at, the different weather conditions flown at are much more convincing.

In this paragraph the number of flight hours should be decreased to 50hrs soloflight and a proficiency check by a glider pilot instructor with valid glider towing rating or, for banners, a flight instructor with valid banner towing rating.

response

*Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 520 (Geschäftsführer Luftsportverband) in the same segment above.

Regarding your proposal of introducing a proficiency check conducted by an instructor it should be clarified that by definition skill tests and proficiency checks can only be conducted by examiners. The Agency discussed the issue of introducing a skill test for all the ratings but finally decided not to introduce such checks at this stage. This has also never been the case in JAR-FCL for the night qualification.

comment

1578

comment by: *Stefan Zingg***FCL.805****(b)(1)**

The requirement of 100 hours PIC for towing gliders is much too high. Towing gliders is often done by young private pilots who otherwise couldn't afford flying at all. With the requirement of 100 hours PIC, the immediate consequence would be a severe lack of new tow pilots which would severely endanger many club gliding operations.

Glider towing is generally done in a club environment. This guarantees that new tow pilot applicants will be thoroughly checked out by the club's flight instructor board. E.g. in Switzerland, there is no minimum required PIC time at all for towing gliders, and I'm not aware of any accident which would have been the consequence of this.

response

*Noted*

Thank you for providing your opinion.  
Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1598** comment by: *Regierung von Oberbayern-Luftamt Südbayern*

In dieser Vorschrift fehlen Festlegungen hinsichtlich der "recency requirements".

Ergänzend sollte daher festgelegt werden, dass die Rechte der eingetragenen Schleppberechtigung nur ausgeübt werden dürfen, wenn der Lizenzinhaber in den letzten 24 Monaten mindestens 10 Schleppflüge in der jeweils eingetragenen Art durchgeführt hat. Erfüllt er diese Voraussetzungen nicht, hat er fünf dual instruction flights im Sinne von (b) (3) durchzuführen, bevor er die Rechte wieder ausüben darf.

response *Partially accepted*

Thank you for providing your opinion.

The Agency carefully reviewed the comments received proposing a certain validity of the ratings or asking for some recency requirements.

Finally it was decided not to introduce a validity for these ratings but to introduce some recency requirements (as proposed in your comment). The Agency has included a subparagraph asking for at least 5 aero-tows as PIC within the last 24 months. If the pilot does not fulfil this requirement he/she has to do these flights with or under supervision of an instructor.

comment **1648** comment by: *Dr. Jürgen Hendricks, Bamberg*

50 h als pic VÖLLIG AUSREICHEND, übrige Voraussetzungen annehmbar

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1713** comment by: *Sven Koch*

100 Std PIC für Segelflugschlepp; 40 Std auf Schleppmuster; Theoriewissen F-Schlepp; 10 Starts Doppelsteuer mit Fluglehrer; 3 Starts im Segelflugzeug (passiv) Reduzieren auf 75 Std PIC und mindestens 30 Std auf Schleppmuster

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment **1749** comment by: *Stephan Johannes*

Sehr geehrte Damen und Herren,  
ich denke, dass die Flugzeiten zum Erhalt der Berechtigung zu hoch gegriffen sind. Aus meiner Sicht sind 75 Flugstunden und 30 auf dem Schleppmuster ausreichend ohne einen Nachteil in der Sicherheit zu haben.

Wenn die Einstiegsvoraussetzungen zu hoch sind, werden potentielle Piloten abgeschreckt. Sollte ein Pilot noch nicht in der Lage sein, die Schleppberechtigung zu erhalten, so wird der Fluglehrer ihn so lange trainieren, bis er das Schleppen beherrscht.

Mit freundlichem Gruß  
Stephan Johannes

response **Noted**

Thank you for providing your opinion.  
Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.  
The Agency agrees with the justification provided and it should be highlighted that exactly this is mentioned in the AMC to FCL.805.

comment **1782**

comment by: *Rudolf Goebel*

Für die Segelflug-Schleppberechtigung werden 100 Stunden Flugzeit auf Flugzeugen gefordert.  
Das ist überzogen. Die bisherige Praxis von 30 Stunden Flugpraxis hat sich bisher als ausreichend erwiesen und zu keinen Problemen mit den Schlepppiloten und deren Schleppts geführt.  
Der Fluglehrer, der die Schleppberechtigung ausbildet, sieht ja, ob der Bewerber den Anforderungen genügt. Im Zweifelsfall kann er ja weitere Flugpraxis fordern, bevor er seine Ausbildung fortsetzt.

Rudolf Goebel, JAR-FCL 6731000155 FI

response **Noted**

Thank you for providing your opinion.

However, the Agency would like to highlight that the drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. The German requirements for example (LuftPersV § 84) require as a prerequisite 30 hours on aeroplanes only (not on sailplanes/helicopters) and 5 hours on the type of aeroplane which should be used to conduct the training. The EASA proposal contained in the NPA requires 40 hours on aeroplanes and no specific requirement for the minimum experience on the type used for the training. The 100 hours total PIC time mentioned in FCL.805 could be flown in any other categories of aircraft. The comment mentions that the EASA proposal contains a requirement for 100 hours on aeroplanes but this is clearly not the case.

Taking into account all the comments received and discussing this issue again with the experts, the Agency decided to lower the proposed minimum flight hours slightly and to delete the requirement for the total flight time. The text will be amended accordingly.

Please see also the reply to comment 47 above.

comment **1802**

comment by: *Sebastian Grill*

die Vereine sind darauf angewiesen, daß sich ausreichend Piloten bereit

response	<p>erklären als Schlepppilot tätig zu sein. Wenn die Schwelle zu hoch gelegt wird, ist es schwierig Piloten zu finden, die diese Arbeit übernehmen. 50 Stunden wäre ausreichend.</p> <p><b>Noted</b></p> <p>Thank you for providing your opinion.</p> <p>Please see also the reply to comment 47 above.</p>
comment	<p><b>1859</b> <span style="float: right;">comment by: <i>Dr. Schreck</i></span></p> <p>FCL.805 Eine Schleppberechtigung nach 100h ist eindeutig zu hoch gegriffen. 10h Erfahrung auf dem entsprechenden Muster und 70 Stunden Flugerfahrung nach Scheinerwerb sollten ausreichend sein. Ansonsten wird es für Vereine künftig schwer, Nachwuchs im Segelflug heranzuziehen, da es nichtgenügend Piloten mit Schleppberechtigung gibt.</p>
response	<p><b>Noted</b></p> <p>Thank you for providing your opinion.</p> <p>Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.</p>
comment	<p><b>1880</b> <span style="float: right;">comment by: <i>Markus Malcharek</i></span></p> <p>Die Anforderung von 100 Stunden ist viel zu hoch. Sie erzeugt nur unnötige Kosten und bringt wenig zusätzliche Sicherheit. Zumal kein Zeitraum angegeben ist, in dem diese Stunden erbracht werden müssen. Dadurch würden immer weniger Schlepp Piloten zur Verfügung stehen, wodurch im Bereich des Segelfluges die Erfahrung im F-Schlepp sinken würde. In Bezug auf Flugsicherheit eindeutig kontraproduktiv! Gegenvorschlag: 50 Stunden nach Scheinerhalt als Voraussetzung UND mindestens 10 Stunden auf dem Muster der Schleppmaschine, ODER 75 Stunden nach Schein UND mindestens 5 Stunden auf dem Muster der Schleppmaschine.</p>
response	<p><b>Partially accepted</b></p> <p>Thank you for providing your opinion.</p> <p>Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.</p>
comment	<p><b>1907</b> <span style="float: right;">comment by: <i>Markus Hitter / JAR-Contra</i></span></p> <p><b>Deutsch:</b> (english below) 1) Es ist angebracht, wie vorgeschlagen ein Rating für Segelflugzeug- und Bannerschlepp zu fordern. 2) Die Forderungen (b)(2) und (b)(3) sind sinnvoll und angebracht. (b)(4) geht über die aktuellen deutschen Bestimmungen hinaus und wurde dennoch in Diskussionen begrüsst. Auch hier volle Zustimmung. 3) Unklar ist jedoch, welchen Zweck (b)(1) verfolgen soll. Eine Forderung von Flugzeit bedeutet, dass Kandidaten für eine Schlepplizenz diese Zeit in einem Motorflugzeug absitzen müssen, ohne für den Schleppflug relevanten</p>

Kenntnisse zu verfeinern. Für den Schleppflug relevant sind vor Allem Starts.

Daher fordern wir, Segelflugzeug-Schleppstarts aus FCL.805 (b)(1) zu streichen. Die in (b)(3) geforderten Starts mit Fluglehrer können bei Bedarf vom Fluglehrer ausgeweitet werden und sind so bei Segelflugzeug-Schleppstarts für die Gewährleistung der Flugsicherheit vollkommen ausreichend.

- - -

**English:**

1) It's appropriate as proposed to require a rating specific for sailplane- and banner towing.

2) Requirements (b)(2) and (b)(3) are sensible and appropriate. (b)(4) goes beyond current requirements in Germany but was nevertheless welcomed on a german discussion board. Full agreement here as well.

3) The purpose of (b)(1) is unclear, however. Requiring flight time means a candidate has to sit out time in an aeroplane not increasing his skills relevant for sailplane towing at all. Relevant for sailplane towing above all are starts.

Therefore, we want to get rid of sailplane towing in FCL.805(b)(1). Those dual instruction flights required in (b)(3) can be extended as needed by the instructor and are fully sufficient to grant safety in sailplane towing. FCL.805 should read:

[...](b)

*(1) at least 150 hours of flight time as pilot-in-command for the banner towing rating. At least 40 of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders.*

[...]

*(3) at least 10 dual instruction flights towing either a banner or a sailplane, as appropriate;*

[...]

response

*Noted*

Thank you for providing your opinion and the positive feedback on most of the proposals. However, based on the comments some of the proposed requirements had to be amended.

Regarding your comment on (b)(1), please see the reply to comment 47 above.

comment

1983

comment by: *Volker Reichl*

Social impact:

Due to the constantly rising cost of airplane flying, the number of pilots in the flying clubs are constantly decreasing, leading to a lack of towing pilots EVEN TODAY! Limiting the entry level for glider towing operation to 100h would be fatal to the aeroclubs, further reducing the towing skill levels of the glider pilots. The entry level of 30h as practices in Germany does not lead to increased accident numbers compared to the other european countries.

Safety impact:

I definitively unsafe to conduce a towing flight with airplanes or banners that are commonly used for that operation and the additional weight of a flight

instructor! It is necessary to remove the "dual instruction" requirement for banner towing from FCL.805b3. Who ever conducted banner pickup would never wish to have the additional weight of an instructor aboard the aircraft. Furthermore typical banner towing aircraft are built in tandem configuration inhibiting the instructor to view the towing rope from the back seat. Radio contact with the instructor on the ground is much more useful than the instructor on board!

response *Partially accepted*

Thank you for providing your opinion.

Regarding the issue of the proposed prerequisites, please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

Regarding your proposal to allow a certain amount of solo flights under supervision, the Agency agrees and will change the requirement in (b)(3). This will be done for sailplane and banner towing.

comment *1996*

comment by: *Felix.Reichl*

For sailplane towing in germany 30h pilot in command have been sufficient and there have been no severe problems due to this rule. Glider clubs have the fear that not enough towing pilots will be available in the future. This would cause in an reudction of flight time for sailplane pilots and furthermore in a reudction of safety due to reduced towing starts.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment *2006*

comment by: *Martin*

Der Unterpunkt b) (1) verlangt als Voraussetzung zur Erlangung der Berechtigung zum Segelflugzeug-Schlepp eine Erfahrung von 100 Flugstunden. Die bisherige Regelung sieht eine Flugerfahrung von 30 Stunden als ausreichend an. Diese Regelung funktioniert in der Praxis gut. Flugunfälle aufgrund mangelnder Flugerfahrung des Schleppiloten während des Segelflugzeug-Schlepps treten in der Praxis kaum auf. Ein weiterer wesentlicher Sicherheitsgewinn ist durch die Erhöhung der Flugerfahrung zur Erlangung der Berechtigung somit nicht zu erwarten. Was sollte sonst durch die Erhöhung der Flugstundenzahl erzielt werden? Die neue Regelung stellt stattdessen nur eine weitere Hürde zur Erlangung der Berechtigung auf.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

comment *2022*

comment by: *Ray Partridge*

The present proposal is dangerous. It is vital that the tug pilot has a thorough understanding of the implications of flying a glider in order to tow it safely.

This provides the best chance of taking the best decision in an emergency situation. A pilot unfamiliar with glider operations will always be 'behind the curve' compared with a pilot who has this experience. Flying an air experience flight, I had the tug suffer a temporary power loss after I had left the ground, but before the tug was off the ground. The tug pilot, an experienced glider pilot, abandoned the launch on the basis that if he had proceeded and lost power again he knew that I would have been in a more difficult situation. Result, a safe recovery. Adopt the BGA proposal.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

Additionally it should be mentioned that the Agency strongly believes that an experienced powered pilot in the example provided by you (temporary power loss during take-off run) will certainly be able to solve such a situation with only having received three (or five) familiarisation flights in a glider. The Agency does not understand why an experienced glider pilot being also a tug pilot but with only a few hours on aeroplanes should be able to take a better decision.

comment *2049*

comment by: *Thomas SIEWERT*

FCL.805 Sailplane towing and banner towing

Im folgenden möchte ich mich nur auf den Flugzeugschlepp beziehen.

Unter (b) wurden die Voraussetzungen für eine F-Schlepp-Berechtigung beschrieben.

Als Motorfluglehrer mit F-Schlepp-Berechtigung und Segelflieger halte ich die Anforderungen für den F-Schlepp-Piloten insgesamt für zu hoch angesetzt, gleichzeitig auch die Ausbildungsinhalte für änderungswürdig.

Die Anzahl der Flugstunden als PIC nach Lizenzerhalt ist sicherlich zu hoch angesetzt. Die Piloten in den Vereinen müssen so erst kostenintensiv Flugstunden ansammeln, während die Segelflugpiloten auf ausgebildete F-Schlepp-Piloten warten!

Eine Stundenzahl von 75 nach Lizenzerhalt ist ausreichend, allerdings sehe ich es aus Sicherheitsgründen („blinde Vertrautheit" mit dem eingesetzten Flugzeug) als wesentlich an, für den Erwerb der Berechtigung auch eine Mindeststundenzahl auf dem verwendeten MUSTER zu fordern.

Darüber hinaus halte ich es für sinnvoll, im Rahmen der Ausbildung mindestens drei F-Schlepp-Landungen durchzuführen! Unter gewissen Umständen kann es erforderlich sein, dieses für beide Besatzungen immer stressige Manöver zu praktizieren. Ein unerfahrener Schlepp-Pilot der dies noch nie durchgeführt hat, ist damit i. d. R. überfordert.

Weiterhin fehlt bezüglich der Nr. (4) die Ausnahmebestimmung, dass der Inhaber einer Segelflugglizenz mit Berechtigung zum F-Schlepp-Start keine „familiarisation flights" durchzuführen braucht. Für einen Nicht-Segelflieger sind drei solcher „Eingewöhnungsflüge" jedoch zu wenig.

Daher halte ich folgende Änderungen des FCL.805 (b) für sinnvoll:

- (1) 75 Stunden nach Lizenzerhalt, davon mindestens 10 Stunden auf dem eingesetzten Flugzeugmuster
- (2) in Ordnung

	<ul style="list-style-type: none"> <li>• (3) in Ordnung, davon mindestens drei F-Schlepp-Landungen</li> <li>• (4) mind. 5 Eingewöhnungsflüge für Bewerber, die KEINE Segelfluglizenz mit Berechtigung zum Flugzeugschlepp-Start besitzen, davon mind. 1 F-Schlepp-Landung</li> </ul>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Regarding the proposed amount of flight time as prerequisite, please see the response already provided to comment No 47 (s. Jaudas) in the same segment above. The Agency will change the requirement.</p> <p>As for the training syllabus, please see the responses provided in the segment for the AMC to FCL.805. It is not envisaged to introduce such an exercise as it is not seen as definitely necessary. The training of some other emergency situations seems to be much more important.</p> <p>The Agency agrees with your comment on the exemption for the SPL or LPL(S) holder with aero-tow extension and will include a subparagraph excluding them from (b)(4). The total amount of familiarisation flights will be raised accordingly as proposed.</p>
comment	<p><i>2102</i> <span style="float: right;">comment by: <i>Joachim Grohme</i></span></p> <p>Da die für den Flugzeugschlepp spezifischen Kenntnisse bei Motorflugzeug und Motorsegler weit gehend identisch sind, sollten die 40 Stunden auf einem Motorflugzeug auch für den Schlepp mit TMG anerkannt werden und umgekehrt. Die für die jeweilige Gattung erforderliche Pilotenlizenz stellt bereits ausreichende Kenntnisse der spezifischen Eigenarten sicher.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>The Agency carefully reviewed this issue raised in your comment. Based on the other comments, the requirement in (b)(1) will be amended to read: '30 hours flight time on aeroplanes after licence issue'. Having exercised the towing privileges so far only on a SEP and having completed only a few hours on TMGs before conducting an aero-tow using the TMG doesn't seem to be sufficient as there are some class specific differences which require a certain minimum amount of flight time on an aircraft of the specific class. Based on this the Agency will ask for 30 hours in the specific class. It should be also mentioned that the Agency, based on other comments received, also decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly.</p>
comment	<p><i>2112</i> <span style="float: right;">comment by: <i>Th. Engel</i></span></p> <p>Die geforderten 100 Stunden nach Schein sind hier viel zu hoch angesetzt und würden zwangsläufig zu Problemen führen da nicht genügend Schlepppiloten vorhanden wären. Ausserdem hat die bisherige Lösung mit 30 Stunden nach Schein zu keinen Problemen geführt.</p>
response	<p><i>Noted</i></p>

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

2150

comment by: *Nigel Roche*

I believe that there are five individuals in the UK who regularly banner tow, one of whom I am in regular contact with. This gentleman operates his own company who's main business is banner towing, he and his staff train qualified pilots (some of whom have frozen ATPL (A) via our company) in the art of banner towing for the banner towing season. Some low hours pilots use this form of aerial work to build hours and experience prior to joining an airline.

From this FCL and associated AMC's there is nothing put in place to recognise these individual pilots who make the backbone of the UK banner towing industry and are the active and teaching instructors of banner towing in the UK.

The way the FCL is written these pilots who have the skill and knowledge will have to become either a LAFI or FI to continue their training operations which supports their commercial operations. Please see **FCL.905 LAFI and FI Privileges and conditions**

I would recommend that:

1. banner and Sailplane towing are split into two separate orders as they are both quite different.
2. recognition of current experience is given both for banner towing and teaching of banner towing.
3. that established companies are credited as being approved banner towing training organizations.
4. that the experienced staff pilots of approved banner towing training organizations (3. above) are given a restricted instructor rating to teach banner towing while they remain within the banner towing industry and maintain personal towing currency.
- 5 that the staff of these organizations are qualified to train, test endorse and revalidate the banner towing rating, using the same criteria that the trainer cannot test his own pupil.

response

*Noted*

Thank you for providing your opinion.

The Agency has understood the explanations about the actual situation in your country regarding banner towing operations and the instruction for such a rating.

First of all it should be clarified that the conversion of national licences and ratings as well as the conversion of the instructor certificates is not part of this NPA but will be covered in a separate document. The main principle will be that JAR-FCL based licences will be automatically recognised and transferred into the new system. For the national licences and ratings the National Aviation

Authorities will decide about the conversion of existing licences into the future system. The principle should be that most of the privileges should be kept.

You are right with your statement that in the future only instructors will be allowed to provide instruction for such a rating. This is based on the general framework given by the Basic Regulation (EC 216/2008).

Taking into account some comments in this subpart on the ratings and in the segments for the privileges of the instructor the Agency has envisaged to not only allow the FI or LAFI to provide instruction for the towing rating (see FCL.905.FI) but also to include such a privilege for the CRI. Please see the responses provided in the appropriate segment and check the resulting text.

As to your 5 recommendations:

1. Agreed - the Agency will split the two ratings but will keep them in the same paragraph.

2. See the explanation provided above

3. The future provisions for approved training organisation have been published with NPA 2008-22 (Part OR). Please see the responses provided and the resulting text when the CRD for this document will be published. The conversion of existing approvals into the future system will be done by the competent authorities (CAA UK). Transition measures and procedures have still to be developed and cannot be provided with this document.

4. The conversion of existing qualifications or ratings was already explained above. If no instructor rating is held so far an additional instructor course has to be completed and the necessary skill test to be passed. It is not envisaged to have restricted instructor ratings only for a certain task like providing training for the banner towing rating.

5. Training for the rating is already covered in 3. and 4. but testing and revalidation will be a separate task for the examiner. However, as there is no skill test and revalidation foreseen (please see FCL.805) such a privilege will not be introduced. For the proficiency checks of commercially operating pilots the OPS requirements will provide the necessary information. For the licensing requirements such a privilege is not seen as necessary.

comment

2151

comment by: *Simon Moores*

I would suggest that existing and well-established aircraft banner-towing operations (there are six of these in the England and one in Scotland), be granted 'Grandfather' rights in regard to existing commercial banner-towing operations and training provisions.

I would agree that formalising practical and theoretical knowledge instruction is sensible at Airads (<http://www.airads.co.uk/>) we already have a banner flying course and train commercial pilots from other operations as far afield as Dubai and Nigeria.

Flying aircraft banners is a demanding and often difficult exercise which has an excellent safety record here in the UK, thanks to the professional and conscientious work of the organisations involved in the business. However I agree with FCL.805 that this aerial work should only be carried-out by suitably

experienced pilots.

Should EASA wish work with us to further define (2) and (3) of the rating in the interests of continued flights afety then we would be happy to cooperate in any way that we can during the process of consultation.

Simon Moores  
Operations Director  
Zentelligence (Airads) Ltd

<http://www.airads.co.uk/>  
<http://www.flyingbanners.co.uk/>

Further recommendation(s) to add to my existing thoughts would be:

1. Banner and Sailplane towing are split into two separate orders as they are both quite different.
2. recognition of current experience is given both for banner towing and teaching banner towing.
3. that established companies are credited as being approved banner towing training organizations.
4. that experienced staff pilots of approved banner towing training organizations (3. above) are given a restricted instructor rating to teach banner towing while they remain within the banner towing industry and maintain personal towing currency.
- 5 that the staff of these organizations are qualified to train, test endorse and revalidate the banner towing rating, using the same criteria.

response *Noted*

Thank you for providing your opinion.  
See response provided to comment No 2150 (N. Roche) in the same segment above.

comment *2161*

comment by: *Air Ads Limited*

This rating should be granted automatically to pilots who are presently engaged in these activities under 'grandfather rights'. Furthermore, no charge should be levied by the authority for the addition of such rating to the licence.

It would be unreasonable to require a pilot and or / organisation who is presently engaged in banner or sailplane towing activities to undergo training and or instruction for aerial activities which they have been undertaking prior to the implementation of any new rating.

response *Noted*

Thank you for providing your opinion.

Regarding your issue of the 'grandfather rights', please be aware that the conversion of existing ratings and licences is not part of this NPA. It will be regulated in a different document. Existing national ratings should be transferred into the new system to allow the licence holder to continue with his/her privileges.

comment *2179*

comment by: *Oelschlaeger, Harald*

response	<p>Reduzierung der Zeiten auf 75 Stunden PIC und mindestens 30 Stunden auf dem Schleppmuster</p> <p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.</p>
comment	<p>2254 <span style="float: right;">comment by: FSG</span></p> <p>(b) (1) 100 h is <b>to restrictiv</b> for glidertowing. It must remain in the competence of the training organisation to select the pilots. The better way is: - a good instruction - testing the profile - check the skills (2) min. 8 hours theoretical instruction (3) in Switzerland we have a good experience with 5 towing flights and 5 flights with as student in a glider with a gliderinstructor. The pilot can see all relevant exercise twice, once from the sight of the glider and then in the towingplane. It's important, that the training organisation prepare a good lessonplan with all relevant exercise (normal towing, high and low, descending in tow, emergency procedures).</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Regarding your first comment, please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will lower the requirements in (b)(1) but will keep 30 hours flight time in aeroplanes (or TMG). However, it should be pointed out that there is no process foreseen which asks for a selection process by an ATO. The Agency agrees that 'good instruction' will be the basic element. No skill tests are forseen but the AMC material already asks for a repetition of the exercises until the applicant achieves a safe and competent level.</p> <p>Regarding your proposal to ask for 8 hours theoretical knowledge instruction the Agency discussed your proposal but does not see a need to specify the amount of hours. It seems to be sufficient that all the important topics are mentioned in the theoretical knowledge syllabus (see AMC material). The instructors should have the option to teach all these items within a timeframe chosen by him/her not being limited by a certain given amount of hours.</p> <p>As to your proposal to ask for 5 familiarisation flights in a sailplane, the Agency agrees and will add two more of such flights. For the flight instruction in the aeroplane the Agency decided to keep the required 10 flights but to allow also solo towing instruction flights under supervision.</p> <p>Finally, the Agency agrees that a structured and 'good lesson plan with all relevant exercises' should be established and would like to add that this training syllabus should be based on the AMC mentioning already the necessary exercises (see AMC to FCL.805).</p>

comment	2255	comment by: <i>FSG</i>
response	<i>Noted</i> No comment provided under No 2255.	
comment	2309	comment by: <i>Matthias Dangel</i>
	<p>Die Anforderung von 100h nach Lizenzerteilung für die Zulassung zum Schlepppiloten ist kosten- und aufwandstechnisch für einen normalen Luftsportverein nichtmehr tragbar. Auch entsprechenden Nachwuchs zu motivieren ist hier nichtmehr gegeben.</p> <p>Eine Anforderung von ca. 50h bis 75h ist als realistisch anzusehen und für einen normalen Luftsportverein tragbar.</p> <p>Hier sollte aber Vorgeschrieben sein das mindestens 10h Flugerfahrung auf dem verwendeten Muster vorhanden sind damit der Pilot mit dem Flugzeug ausreichend vertraut ist.</p>	
response	<i>Noted</i> Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.	
comment	2310	comment by: <i>Reinhard Heineking</i>
	<p>FCL.805 Sailplane and banner towing ratings: Both ICAO and JAR-FCL regulations require a flight experience of 30 hours as precondition for application of a sailplane towing rate. There is no evidence, that this is not enough experience. Most applicants having graduated their PPL not a long time ago before starting sailplane towing. Conclusion is that they have 80 - 100 hours quite fresh experience, if PPL training time are considered also. The FI who educates for sailplane towing gets a good evaluation about the quality of the applicant and can and must decide, if the applicant is in good experience condition for sailplane towing before approving him or her to get the rating. 100 hrs flight experience is very much extending the cost. In most glider clubs quite a few PPL(A) pilots are available, much cost increase would cause big problems to the clubs to introduce new sailplane towing pilots. The same principle applies to banner towing pilots. The required flight time as pilot-in-command should be reduced and set to the current level of 30 hrs as we have it now in the JAR-FCL and ICAO regulations. Reinhard Heineking PPL(A) FI JAR FCL and FI GPL</p>	
response	<i>Partially accepted</i> Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.	
comment	2381	comment by: <i>Arnold Klapp</i>
	Die geforderten 100 Std. sind sehr hoch. Eine Reduzierung auf 75 Std. bzw. 40 Std. auf Schleppmuster halte ich für angebracht.	

response

*Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

2413

comment by: *Tjeerd Mulder*

Even when I believe that a rating is necessary I would like to quote from the British Gliding Association comments:  
"In summary, this proposal requires expensive instructors, with no required understanding of the subject they are teaching, to train pilots with the wrong experience themselves, for a rating that has been proven to be unnecessary."  
I therefor support the BGA proposal to split banner and sailplane towing ratings and its proposal "ALTERNATIVE WORDS FOR SAIPLANE TOWING".

response

*Noted*

Thank you for providing your opinion. See response to comment 571 (BGA).

comment

2445

comment by: *Dr. Horst Schomann*

Subparagraph (b) (1)

Problem: Required 100 hours of flight time including 40 hours in the involved airplane / TMG.

Proposed solution: Require 50 hours of flight time including 20 hours in the involved airplane / TMG.

Justification: Being an instructor for PPL(A, TMG) and Glider Pilot License for more than 30 / 40 years, my proposed solution appears to be sufficient to gain the necessary safety. In all this time there was no accident with the involved personnel in my ambience. The actual German law (Verordnung über Luftfahrtpersonal) requires 30 hours / 5 hours and provides to my knowledge a sufficient safety standard. My proposed solution is intended as a compromise between the current German law and your initial requirement.

Subparagraph (b) (3)

Problem: 10 dual instruction flights.

Proposed solution: 10 instruction flights towing ....., as appropriate and either as dual instruction or solo flights under supervision of an instructor.

Justification: The current German law requires 5 instruction flights under supervision of an instructor (no "dual" requirement) only, with sufficient safety standard. The instructor should have the freedom to decide how many dual instruction flights are necessary. Especially TMGs have limits with the allowed mass of the towed sailplane. The possibilities of solo instruction flights under supervision enable the towing of double seater sailplanes within the mass limit, which will occur later in practice.

response

*Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

Regarding your proposal to allow also supervised solo flights, the Agency agrees and will change the requirement.

comment 2465 comment by: *Dieter Lenzkes*

**Vorschlag zu FCL.805**

in Verbindung mit Kommentar 1212 bei Definitionen

**Replace 3x** touring motorglider by motorglider.

**Begründung:** Es ist nicht auszuschließen, dass in Zukunft auch motorisierte Segelflugzeuge in der Lage sind leichte Segelflugzeuge und UI.Gleiter (z.B. Banjo) zu schleppen. Die neuen Lizenzvorschriften sollten eine solche technische Entwicklung nicht behindern. Dies kann insbesondere für reine Segelflugvereine eine interessante Möglichkeit für einen kostengünstigen Betrieb sein

response *Not accepted*

Thank you for providing your opinion.

However, the Agency does not agree with the proposal to change the wording into powered sailplanes. So far the certification basis for towing with sailplanes is Annex K of CS-22. The minimum requirements contained in this CS are clearly aiming at TMGs only. From the practical point of view and taking into account the safety margins for certain launch procedures or specific emergency situations during the tow, the Agency does not consider a powered sailplane (not being a TMG) as an acceptable towing aircraft for towing other sailplanes at this stage.

If, at a certain stage, a powered sailplane (not being a TMG) will be certified as a towing aircraft, the Agency will reconsider this issue and if necessary propose some additional requirements for such a rating.

comment 2472 comment by: *derekheaton*

There is no comparison between sailplane towing and banner towing.

There should be a specific sailplane towing rating.

I support the detailed specific proposals of the British gliding association for the standards for sailplane towing.

response *Noted*

Thank you for providing your opinion. See response to comment 571 (BGA).

comment 2632 comment by: *Dieter Lenzkes*

**Problem:**

Es ist nicht nachzuvollziehen warum die Voraussetzungen zum Schleppen von Segelflugzeugen mit einem TMG höher sind als die Voraussetzungen für die Lehrberechtigung für den TMG. Nach FCL.915.LAFI (d) genügen 30 h Flugerfahrung als PIC auf TMG wenn ein Segelfluglehrer zusätzlich die Lehrberechtigung für TMG erwerben will.

**Vorschlag:**

FCL.805, (b) (1) zweiter Satz wird geändert in:

At least **25** of these hours and **50 launches** shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders;

**Begründung:** Für das Schleppen von Segelflugzeugen ist eine entsprechende Erfahrung für die Startphase und das Fliegen in Bodennähe wichtiger als die Erfahrung bei längeren Flügen in größerer Höhe.

response *Partially accepted*

Thank you for providing your opinion.

The Agency would like to highlight that the mentioned prerequisites for being an LAFI are not quoted correctly. FCL.915.LAFI (d) requires 100 hours flight time on sailplanes and an additional amount of 30 hours on TMGs. For the towing rating in FCL.805 the Agency proposed 100 hours of flight time on any category of aircraft. At least 40 hours of these should be in TMGs.

However, taking into account all the comments received and discussing this issue again with the experts, the Agency decided to lower the proposed minimum flight hours slightly. The text will be amended accordingly to require 30 hours flight time on an aircraft of the specific class (e.g. TMG).

Your second proposal for introducing a certain minimum number of take-offs is based on the fact that for typical towing operations the experience required should not cover only the procedures during flight (covered by the requirement for 30 hours total flight time) but primarily cover the procedures during take-off and landing phase (focusing also on emergency situations when flying close to the ground) which is very important as most of the future towing flights will be rather short. The Agency carefully reviewed all the comments received on this issue and decided to follow your proposal. However, as it was decided to ask for 30 hours on SEP (or TMG if carried out on TMG), the Agency will require at least 60 take-offs and landings after licence issue.

comment 2827

comment by: *Michael Moch*

Subject: At least 100 hours of flight time as pilot-in-command before applying for a sailplane towing rating.

Proposal: If the applicant has already the towing rating as a sailplane pilot and minimum 20 towing launches, reduce to **20** hours as pilot-in-command of aeroplanes / touring motor gliders.

Rationale: Cross country flying does not enhance the ability of sailplane towing. However it is of great benefit, if the applicant has already experience in sailplane towing as sailplane pilot.

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment 2880

comment by: *Trevor Wilcock*

FCL805 p 42: The requirements for towing sailplanes do not put enough emphasis on the need to understand the operation from the perspective of the sailplane pilot. I support the BGA's submission in this respect, except that I find their proposal for 5 hrs PIC on the specific aircraft type (for initial rating) excessive - 5hrs flying around the sky would not be as valuable as 2 hrs doing circuits and learning the engine management techniques necessary for towing. I suggest that their proposed 5 hrs could embrace both PIC time and towing instruction time.

response *Noted*

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.  
Additionally it should be clarified that the additional 5 hours requirement 'on type' was not seen as necessary.

comment

**2980**

comment by: *Herbert Sigloch*

To (b)(1):  
50 hours of flight time for the sailplane towing rating is enough, 30 of them in airplanes/touring motor gliders.

response

*Accepted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

**3120**

comment by: *Bernhard Büdke*

Bei uns im Verein, stellvertretend für deutsche Piloten, entstehen keine Probleme durch eine Ausbildung zum Schleppiloten nach 30h Flugzeit nach Schein. Die geforderten 100h Flugzeit sind zu hoch, da den Vereinen sonst der Schleppilotennachwuchs ausgeht.

response

*Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

**3125**

comment by: *Axel Anschau*

EU-FCL fordert hier 100 Stunden nach Schein, in Deutschland sind 30 Stunden Praxis. Die Forderung ist hier viel zu hart und wird zu einem Mangel an Schleppiloten führen. In Deutschland hat die alte Regelung bisher nicht zu Problemen geführt. 30 Stunden nach dem Schein waren ausreichend.

response

*Noted*

Thank you for providing your opinion.

However, the Agency would like to highlight that the drafting group checked the different national requirements which are actually in place in the Member States and has developed the proposed requirements based on this evaluation. The German regulation for example (LuftPersV § 84) requires as a prerequisite

30 hours (not the mentioned 50 hours) on aeroplanes only (not on sailplanes/helicopters) and 5 hours on the type of aeroplane which should be used to conduct the training. The EASA proposal contained in the NPA requires 40 hours on aeroplanes and no specific requirement for the minimum experience on the type used for the training. The 100 hours total PIC time mentioned in FCL.805 could be flown in sailplanes, helicopter or other categories of aircraft.

Taking into account all the comments received and discussing this issue again with the experts, the Agency decided to lower the proposed minimum flight hours slightly. The text will be amended accordingly.

Please see also the reply to comments 47 and 567 above.

comment **3231** comment by: *Egon Schmaus*

FCL.805 (b)(a)

(1) at least "75" hours.... or "50" hours of flight time as PIC for the sailplane towing rating. At least "30" of these hours.....

Reason: During the last more than 50 years, German regulations demanding "50 hours as a PIC after termination of basic training..." were sufficient. German Pilots show highest number of sailplane towing ratings, without finding extraordinary rates of flight problems in sailplane towing. Demand for 100 hours as a PIC would ask for an average time of 6 years for a standard pilot to apply for sailplane towing rating.

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comments 47 and 567 above.

comment **3261** comment by: *Matthias Heine*

Die Anzahl der geforterten Stunden ist zu hoch. Diese sollte durch eine Mindestanzahl an Starts ersetzt werden. Für F-Schlepp ist insbesondere die gute Beherrschung des LFZ während der Startphase notwendig. Dies wird jedoch nicht durch lange Flüge mit vielen Stunden erreicht.

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

Regarding your proposal to add also a certain amount of take-offs, the Agency agrees. It should be added that the Agency, based on the comments received, also decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly.

comment **3334** comment by: *DGAC FRANCE*

FCL 805(b)

The requirement to perform the training in an ATO is better placed in the Part FCL than in an AMC.

The instruction time must allow the pilot to reach the level required for the rating, if 10 flights are not enough, the applicant must do more flights.

**(2) a training course in an approved training organisation, including:**

**(i)** ~~(2)~~ theoretical knowledge instruction on towing operations and procedures

**(ii) at least** ~~(3)~~ 10 dual instruction flights towing either a banner or a sailplane, as appropriate

**(3)** ~~(4)~~ additionally, for the sailplane towing rating, 3 familiarisation flights in a sailplane which is launched by an aircraft

response

*Accepted*

Thank you for providing your opinion.

The Agency agrees with your proposal and will add the reference to an ATO in the rule text. Please see also the response provided to other comments on the same issue addressed by you in comments to other segments.

As to your proposal to add 'at least', the Agency agrees and will amend the text accordingly.

comment

3531

comment by: *James Clarke*

More emphasis should be placed on the tug pilots experience of soaring flying as in my experience tug pilots who are also qualified glider pilots are far more proficient and safer for the combination than pure power pilots. For this reason it would be appropriate the 10 dual flight requirement can be flown with a LAFI(A), FI(A), or CRI.

response

*Noted*

Thank you for providing your opinion.

However, the Agency does not understand the meaning behind this comment. In the first sentence a certain amount of experience on sailplanes is mentioned as necessary for being a tow pilot. In the second sentence it is stated that this is the reason why the 10 training flights can be flown with an LAFI(A), FI(A) or CRI. The Agency cannot see the link between these two topics. As it seems to be an extract of different contents also addressed by the BGA, please see the response provided to comment No 571 (BGA).

comment

3577

comment by: *Swiss Power Flight Union*

Separate sailplane towing and banner flight consistently.  
(For your information only: Banner towing is not allowed in Switzerland.)

Delete in FCL.805 all about "sailplane towing" and create a new FCL.XXX for sailplane towing.

response

*Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comment No 187 (Aero Club of Switzerland) in the same segment above.

comment	<p data-bbox="352 203 427 235">3578</p> <p data-bbox="914 203 1445 235" style="text-align: right;">comment by: <i>Swiss Power Flight Union</i></p> <p data-bbox="352 259 788 291">FCL:XXX sailplane towing rating</p> <p data-bbox="352 293 1436 389">(a) Holders of a Pilot license with privileges to fly aeroplanes or touring motor gliders shall only tow sailplanes when they hold the appropriate sailplane towing rating.</p> <p data-bbox="352 421 1107 452">(b) Applicants for a towing rating shall have completed:</p> <p data-bbox="352 454 1436 580">(1) at least 50 hours of flight time as pilot-in-command. At least 20 of these hours shall be in aeroplane, if the activity is to be carried out in aeroplanes, or touring motor gliders, if the activity is to be carried out in touring motor gliders;</p> <p data-bbox="352 582 1374 613">(2) theoretical knowledge instruction on towing operations and procedures;</p> <p data-bbox="352 616 1011 647">(3) 10 dual instruction flights towing a sailplane.</p> <p data-bbox="352 678 1436 775">Justification: In our country, for instance, the young pilots very often engage in sailplane towing to gain flight hours and flight experience. The organisations train these pilots according to comprehensive programmes.</p>
response	<p data-bbox="352 797 595 828"><i>Partially accepted</i></p> <p data-bbox="352 853 1436 949">Thank you for providing your opinion. Please see the response provided to comment No 187 (Aero Club of Switzerland) in the same segment above.</p>
comment	<p data-bbox="352 1005 427 1037">3633</p> <p data-bbox="1019 1005 1445 1037" style="text-align: right;">comment by: <i>M Wilson-NetJets</i></p> <p data-bbox="352 1061 557 1093">FCL.805 (b)(3)</p> <ul data-bbox="403 1124 1182 1155" style="list-style-type: none"> <li>• Requirement of 10 dual instruction flights is excessive</li> </ul> <p data-bbox="352 1187 1436 1256">Suggestion: change to "3 dual instruction flights towing either a banner or a sailplane, as appropriate;"</p>
response	<p data-bbox="352 1281 534 1312"><i>Not accepted</i></p> <p data-bbox="352 1337 863 1368">Thank you for providing your opinion.</p> <p data-bbox="352 1400 1436 1816">However, the Agency does not agree at all with your proposal to reduce the required amount of training flights to only 3 flights. Based on an evaluation of the existing requirements for the towing instruction in different Member States and on the fact that there are recorded quite some accidents during towing operations within the last years, the Agency strongly believes that requiring only three instruction flights will not at all meet the needs and would create additional hazards for this kind of operation. It seems that you are not fully aware of the required skills for such an aerotow pilot. Please check the AMC material containing the syllabus for the practical training and you will easily find out that the aim prescribed and level of experience will not be reached within 3 flights. The AMC says clearly that the applicant should achieve a safe and competent standard and should comprise at least the training items mentioned.</p> <p data-bbox="352 1848 1436 2011">In addition to that it should be mentioned that the instruction for the towing rating should - if possible - not be provided all at one day in order to demonstrate how different wind situations and thermal activities can influence such a launch and to learn how to cope with such different weather situations during the launch.</p>

The same approach and reasoning is valid for the banner towing rating. The proposed amount of training flights will be kept.

comment **3685** comment by: *OAA Oxford*

Requirement of 10 dual instruction flights is excessive. Suggestion: change requirement to " 3 dual instruction flights towing either a banner or a sailplane, as appropriate".

response *Not accepted*

Thank you for providing your opinion.

Please see the response provided to comment No 3633 in the same segment above.

comment **3767** comment by: *Jeremy BRYSON*

The suggestion of a flying instructor with no gliding experience checking out a glider pilot with a PPL to tug is bizarre. Again the existing system works.

response *Noted*

Thank you for providing your opinion.

However, the Agency does not understand why the proposal to allow an experienced FI(A), holding such a towing rating himself, to provide training for this rating should cause any problems. The training provided for this rating is done in an aeroplane and the main task of this future tug pilot is not to launch the glider to the best thermal but to perform a safe launch and to be able to cope with possible emergency situations. The Agency strongly believes that an experienced FI(A) with a towing rating without being a glider pilot himself /herself will be the right person to provide this training.

In addition to this it should be mentioned that the Agency has evaluated the existing national requirements for the towing rating. In most of the Member States the FI(A) with the appropriate towing rating is allowed to provide the training. In some countries also the FI(S) with towing rating and PPL(A) is allowed to provide this instruction for the rating. No safety case is known so far that the system proposed with the NPA cannot be kept.

However, based on the comments received on this issue (see also the responses provided to some comments to subpart I dealing with the same issue), the privileges of the instructors were reviewed and amended. The Agency decided to keep this specific privilege for the LAFI and the FI but to introduce the demonstration of the ability to instruct for the towing rating to an FI qualified in accordance with (j). The same requirement was already proposed for the night rating and is already in place with JAR-FCL (night qualification). This additional requirement should also solve the problem raised in your comment.

The reasoning behind this change is based on the fact that the Agency is of the opinion that the LAFI or FI will gain the necessary skill, experience or knowledge of either gliding or aero-towing operations when receiving the training for the towing rating (see FCL.805). However, the Agency agrees that

the LAFI/FI should have some more experience in towing themselves before providing the instruction for this rating. As it is always very difficult to define a certain number of towing flights or hours (see the responses to the comments dealing with FI/LAFI privileges) as experience requirement, the Agency decided to introduce this additional demonstration which has to be done with a specifically qualified instructor. This will ensure that the LAFI/FI has the experience needed.

comment **3844** comment by: *Luftfahrt-Bundesamt*

FCL.805:  
 FCL.805 (b) (1):  
 The amount of minimum hours completed as a pilot in command required for towing is considered to be too high and therefore is not supported.  
 According to the national requirements in Germany 30 hours of PIC flight time is considered to be sufficient for the sailplane towing rating whereas the minimum number of of PIC flight time hours required for the banner towing is 100.

response *Partially accepted*

Thank you for providing this comment.

The comment is mentioning the national requirements in Germany. It should be clarified that the Agency's proposal asked for only 40 hours on aeroplanes which is close to the 30 hours on powered aircraft contained in the German requirements. Additionally the German requirement asks for 5 hours experience on the specific type of aircraft which will be used for the training. The additional 60 hours (total PIC time of 100 hours) on other aircraft categories (e.g. sailplanes) in the Agency's proposal were taken over from other existing national requirements for this rating.

Taking into account all the comments received, the Agency will reduce the requirement for the total flight time and will change the text accordingly. (30 hours on SEP aeroplanes) It should be mentioned that the Agency, based on other comments, also decided to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

Please see the resulting text.

Regarding the banner towing rating, the Agency also decided to lower the required amount of flight time to 100 hours total flight but in the appropriate class and additional 200 take-offs in order to address the specific task (picking up the banner).

comment **3972** comment by: *Ulster Gliding Club*

Attachment [#40](#)

*Applicants for a towing rating shall have completed ...*

Towing a sailplane safely and efficiently is a critical skill. It is vital that applicants for a sailplane towing rating should have experience as sailplane pilots. Merely to have had '3 familiarisation flights', as required by FCL.805

para. (b)(4), is completely inadequate, and potentially dangerous. Even more importantly, NAP 17b does not appear to require the instructor awarding the towing rating to have any experience in towing sailplane. If so, it is a fatal flaw in this part of NPA 17b.

Moreover, under FCL.805 many clubs, including the Ulster Gliding Club, would have to employ a LAFI(A) or FI(A) to provide the necessary '10 dual instruction flights towing a sailplane'. However, the spreadsheet being sent with these comments shows that the 'instruction' costs (excluding launch and flying costs) for an Ulster Gliding Club applicant per sailplane towing rating would then be between £650 and £940, compared to no cost at present for instruction. Those estimates take the hourly charge by a LAFI(A) at £25. If, as would be quite possible, the charge was £35 per hour, the total 'instruction' cost would be between £800 and £1,160.

The Ulster Gliding Club currently has 16 tug pilots. All were trained in towing by the Club or other gliding clubs. All are, or have been, sailplane pilots. The existing British training system for tug pilots has been proved to be safe, as insurance statistics show: insurance rates for an aerotow only club are significantly lower than for clubs using winch launches.

The Ulster Gliding Club has been an aerotow only club for many years. During the past 25 years, we have not suffered a single sailplane-towing related incident. Based on a first-class safety record with over 35,000 aerotows during that period, the Ulster Gliding Club considers that-

- a) it is vital that applicants for sailplane towing ratings should hold a sailplane licence allowing them to take aerotow launches;
- b) Class Rating Instructors (CRIs) with a sailplane towing rating should be authorised as instructors for required dual instruction flights taken by applicants for a sailplane towing rating;
- c) instructors should not be authorised to instruct for sailplane towing ratings unless they hold an SPL or similar licence.

The NPA proposals on towing ratings are completely disproportionate since applicants would have to incur substantial extra costs for no worthwhile purpose. Most regrettably, they represent a major retrograde step, and would probably have a significant adverse effect on aerotowing safety.

response

*Noted*

Thank you for providing your opinion.

Based on the comments received on this issue (see also the responses provided to some comments to subpart I dealing with the same issue), the Agency decided to keep the specific privilege for the LAFI and the FI but to introduce the demonstration of the ability to instruct for the towing rating to an FI qualified in accordance with (j) like it was introduced for the night qualification already under JAR-FCL.

The reasoning behind this change is based on the fact that the Agency is of the opinion that the LAFI or FI will gain the necessary skill, experience or knowledge of either gliding or aerotowing operations when receiving the training for the towing rating (see FCL.805). The Agency cannot see why an experienced instructor would need additional training in sailplanes or why they should hold a glider pilot licence in order to be allowed to provide this training for the rating.

However, the Agency agrees that the LAFI/FI should have some experience in towing themselves before providing the instruction for this rating. As it is always very difficult to define a certain number of towing flights or hours (see

the responses to the comments dealing with the aerobatic rating) as experience requirement, the Agency decided to introduce this additional demonstration which has to be done with a highly qualified instructor. This will ensure that the LAFI/FI has the experience needed.

The Agency agrees with your proposal to allow the CRI to provide the training for this kind of rating. The text for the privileges of the CRI will be amended accordingly.

For all the other issues mentioned please see the reply to comments 571 and 3767 above.

comment

4050

comment by: *Max Heinz Katzschke*

1) Ich halte es für sinnvoll ein Rating für Segelflugzeug- und Bannerschlepp zu fordern. Mehrere Unfälle in den letzten Jahren zeigen, dass es beim Wechseln des Schlepppiloten von einem gewohnten Typ auf einen Anderen zu Problemen kommen kann.

2) Zu (b)(1): Aus meiner Erfahrung ist die Forderung nach Flugzeit untergeordnet. Für den Schleppflug relevant sind eine gewisse Anzahl Starts als verantwortlicher Pilot in einem beschränkten Zeitraum vor dem Rating/ der Erteilung der Berechtigung.

Die Segelflugzeug-Schleppstarts könnten aus FCL.805 (b)(1) gestrichen werden; die in (b)(3) geforderten Starts mit Fluglehrer können von diesem bei Bedarf wiederholt/erweitert werden, womit die Sicherheit für Segelflugzeug-Schleppstarts geschaffen werden kann.

response

*Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

Regarding your proposal to introduce a certain amount of take-offs, the Agency agrees and has decided, based also on other comments, to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

The additional comment on (b)(1) is not understood as this subparagraph does not contain a number of flights in sailplanes. Only (b)(4) contains such a requirement so far. Based on the huge amount of comments (mainly from one Member State) asking for more experience in sailplane operations, the Agency decided to raise this number slightly (5 familiarisation flights).

comment

4059

comment by: *A. Mertz*

(b)(1) Die 100h Flugerfahrung zum Erwerb der F-Schleppberechtigung bedeuten für den F-Schleppbetrieb in den in Deutschland üblichen Segelflugvereinen erhebliche Einschränkungen. Hier sind ausschließlich ehrenamtliche Schlepppiloten tätig. Der Bedarf an Schlepppiloten kann dann nicht mehr gedeckt werden. Oft haben diese Vereine nur ihr Schleppflugzeug als einziges Motorflugzeug.

Die in den Vereinen durchgeführten Schleppe sind ja keine gewerblichen Dienstleistungen, die an Dritte verkauft werden.

In den Segelflugvereinen handhabbare Anforderungen liegen bei 50 h

	Flugerfahrung, davon min. 20 auf Flugzeugen bzw. Motorsegler.
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the responses provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.</p>
comment	<p>4100 <span style="float: right;">comment by: <i>SFVHE</i></span></p> <p><b>Ausreichend sind 30 Std PIC / 205 Std. auf dem Schleppmuster, wenn sie innerhalb eines kürzeren Zeitraums, z.B. 12-15 Monate geflogen werden. Bei längeren Zeiträumen: 50 Std./20 Std.</b></p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the responses provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.</p> <p>The Agency will not introduce a differentiation between pilots having flown their flight time within the last 12 months and pilots having flown the required time in a longer period of time.</p>
comment	<p>4119 <span style="float: right;">comment by: <i>Bernd Hein</i></span></p> <p>Es sollten Starts und Landungen berücksichtigt und gewichtet werden, um damit bei geringeren Flugzeiten Segelflugzeug zu schleppen. Das gilt auch für Bannerschlepp. Fangschlepp sollte besonders geübt werden und mind. 10 erfolgreiche Schleppseilaufnahmen und 5 Banneraufnahmen beinhalten.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours.</p> <p>Regarding your proposal to introduce a certain amount of take-offs, the Agency agrees and has decided, based also on other comments, to require a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase). The text will be amended accordingly.</p> <p>Regarding the additional proposal to add more instruction flights for the banner towing flight training, the Agency carefully reviewed the comments received and came to the conclusion not to raise the required amount of flights and not to specify the different pick-up techniques (but this will be done in the AMC material). The term 'at least' will always allow the instructor/ATO to ask for more training flights in order to reach the aim mentioned in the AMC which says clearly that the applicant has to achieve a safe and competent level. But in order to address this issue the Agency decided to introduce as a prerequisite a total flight time of 100 hours on class and additional 200 take-offs.</p>
comment	<p>4153 <span style="float: right;">comment by: <i>Elmar KUEMMEL</i></span></p>

	<p>Reduzieren auf 50 Std PIC und mindestens 25 Std auf Schleppmuster.</p> <p>Dazu 5 Starts als Schlepper mit Lehrer / zumindest aber unter Aufsicht und 3 Starts (zumindest passiv) in geschleppten Segelflugzeug. Die Schleppberechtigung sollte dann auch automatisch für TMG und UL gelten, soweit die 50/25 Std als PIC nachgewiesen sind und eine Einweisung in die Besonderheiten stattgefunden hat.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours.</p> <p>As to your second comment it should be highlighted that the towing pilot holding a rating and having done the training on aeroplanes will automatically be allowed to launch with a TMG as soon as he/she fulfils the 30 hours requirement. Towing with Annex II aircraft has to be regulated under national law and is excluded from these Implementing Rules.</p>
comment	<p>4203 <span style="float: right;">comment by: <i>SFG-Mendig</i></span></p> <p>Reduzierung Flugerfahrung und Freistellen, ob Fluglehrer an Bord oder am Boden Aufsicht führt.</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion. Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours. Regarding your proposal to allow also supervised solo training flights, the Agency agrees and will change the requirement accordingly.</p>
comment	<p>4219 <span style="float: right;">comment by: <i>Deutscher Aero Club (DAeC)</i></span></p> <p>Proposed wording: (b) Applicants for a towing rating shall have completed: (1) at least <b>75</b> hours of flight time as pilot-in-command for the banner towing rating or <b>50</b> hours of flight time as pilot-in-command for the sailplane towing rating. At least <b>30</b> of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders; (2) theoretical knowledge instruction on towing operations and procedures; (3) 10 <del>that</del> instruction flights towing either a banner or a sailplane, as appropriate;</p> <p>Justification: It is sufficient to require half the flight time and 30 hours on aeroplanes. Experience with current requirements has not shown any safety hazard with this numbers. The instruction flights should not be required to be dual. Some tow planes are single seated. In typical towing instruction the first 3 to 5 tow flights are dual with single seat sailplanes. The instructor observes the remaining tow flights.</p>
response	<p><i>Partially accepted</i></p>

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The prerequisites will be reduced to 30 hours on aeroplane (or TMG) including 60 take-offs.

Regarding your proposal to allow also supervised solo training flights, the Agency agrees and will change the requirement but requiring a certain amount of dual flights.

comment

4257

comment by: *Graham Morris*

Lumping together the Sailplane & Banner Towing ratings seems a very odd thing to do given the very different objectives of the tasks.

Regarding (b)(1) for the Sailplane Towing Rating, 100 hours PIC seems somewhat excessive to me, I suggest 75 hours with at least 20 hours in the appropriate class of towing aircraft.

Regarding (b)(3) for the Sailplane Towing Rating, given the generous experience required I suggest that 10 hours Dual Instruction is far more than required. If a candidate actually needed that amount then he/she is quite beyond hope! I suggest a minimum of 1 hour dual is much more sensible.

Regarding (c)(4), this is a sensible requirement.

response

*Noted*

Thank you for providing your opinion.

The Agency decided to separate the sailplane towing and the banner towing requirements.

As to your second comment regarding the experience required, please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The prerequisites will be reduced to 30 hours on aeroplane (or TMG) including 60 take-offs.

Regarding subparagraph (b)(3) please check the wording of this requirement again as the proposed text asks for 10 dual instruction flights and not for any hours. The Agency will keep this requirement as this number of flights seems definitely necessary but will allow also some solo flights under supervision.

comment

4309

comment by: *Baden-Württembergischer Luftfahrtverband*

FCL.805(b)

**Wording in the NPA**

(b) Applicants for a towing rating shall have completed:

(1) at least 150 hours of flight time as pilot in command for the banner towing rating or 100 hours of flight time as pilot in command for the sailplane towing rating. At least 40 of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders;

(2) theoretical knowledge instruction on towing operations and procedures;

(3) 10 dual instruction flights towing either a banner or a sailplane, as appropriate;

**Our proposal****Change:**

(b) Applicants for a towing rating shall have completed:

- (1) at least **75** hours of flight time as pilot in command for the banner towing rating or **50** hours of flight time as pilot in command for the sailplane towing rating. At least **30** of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders;
- (2) theoretical knowledge instruction on towing operations and procedures;
- (3) 10 ~~<deleted: dual>~~ instruction flights towing either a banner or a sailplane, as appropriate;

#### Issue with current wording

The requirements in the NPA are excessive and partially impractical

#### Rationale

It is sufficient to require half the flight time and 30 hours on aeroplanes. Experience has shown this to suffice. The instruction flights should not be required to be dual. Some tow planes are single seated. In typical towing instruction the first 3 to 5 tow flights are dual with single seat sailplanes. The remaining tow flights are observed by the instructor potentially from the towed sailplane. Tows of dual sailplanes are also rather conducted solo under observation of the instructor.

response *Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

comment *4478*

comment by: *AOPA Switzerland*

Towing sailplane is the ideal chance for young pilot to gain flight experience. A limit of 100 PIC hours will worsen the negative elitist situation we encounter since a few years. We urge the Agency not to limit such platforms for young pilots.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency decided to lower the entry requirements.

comment *4597*

comment by: *Deutscher Aero Club*

FCL 805 (b) (1)

Applicants for a towing rating shall have completed

1) at least ... 100 hours of flight time as pilot in command for the sailplane towing rating. At least 40 of these hours shall be in aeroplanes in the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders

Comment

EGU believes that this requirement is too stringent and that not more than a total of 75 hours as pilot in command should be required with at least 30 hours having been flown in aeroplanes. This is how it worked for many years in Germany and since there was no safety case there is no reason for tightening the rule.

EGU Proposal

1 at least ... 75 hours of flight time as pilot in command for the sailplane towing rating. At least 30 of these hours shall be in aeroplanes in the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders

response *Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

comment

4635

comment by: *Diether Memmert*

Ueberarbeiten:

(b)(1) Fuer Erlangung Berechtigung Segelflugschlepp reicht auf jeden Fall die Haelfte, sofern SPL oder LPL(S) mit Berechtigung fuer F-Schlepp vorhanden.  
(4) ist fuer diesen Fall ueberfluessig.

**Aenderungen:**

Ergaenze, ersetze (b)(1) '100 hours' durch 50 Stunden  
Ergaenze (4) entsprechend

response *Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

In (4) an additional sentence will be added to exempt sailplane pilots from this requirement (new numbering (b)(iii)).

comment

4706

comment by: *Peter Kynsey*

The experience requirements for these ratings are unrealistically high. There are no such ratings at present and there is no safety case for introducing them. EASA should have to provide evidence of a safety problem before coming up with onerous suggestions such as this.

No glider tow pilot or banner tow pilot has ever needed 10 training flights so where has this requirement come from? It imposes unnecessary requirements on an area of aviation that cannot afford to jump through expensive hoops just to satisfy a whim of EASA.

response *Noted*

The Agency acknowledges your opinion.

However, your statement saying that 'no glider tow pilot or banner tow pilot has ever needed 10 training flights' has to be questioned.

Before explaining why the Agency considers that 10 training flights should be the minimum training provided it should be clarified that the proposals for the towing ratings are based on an evaluation of the existing requirements for towing operations in different Member States. Towing of sailplanes and banners is considered to be one of the activities where additional training should be defined to keep a standardised safety level all over Europe.

Based on this evaluation most of the elements required were developed. One

of these elements was the amount of training flights to be provided. The Agency does not agree that these 10 flights will impose 'unnecessary requirements'. As most of the comments agree with the given number, the Agency does not intend to reduce the required amount of training flights. Based on that evaluation of the existing requirements for the towing instruction in different Member States and on the fact that there are some accidents reported during towing operations within the last years, the Agency strongly believes that requiring a lower number of instruction flights will not meet at all the needs and will create additional hazards for this kind of operation.

It seems that you are not fully aware of the required skills of such an aerotow or banner towing pilot. Please check the AMC material containing the syllabus for the practical training and you will easily find out that the aim prescribed will not be reached with 3-5 flights. The AMC says clearly that the applicant should achieve a safe and competent standard and should comprise at least the training items mentioned. In addition to that the Agency is of the opinion that - if possible - not all the instruction for the towing instruction should be provided at one day in order to demonstrate how different wind situations and thermal activities can influence such a launch and to learn how to cope with such different weather situations during the launch.

Regarding your statement that the towing pilots 'cannot afford to jump through expensive hoops just to satisfy a whim of EASA' it must be pointed out that the main aim of requirements like this one is to reach and keep a certain safety standard (in this case for towing operations) all over Europe. The issue of the cost for a certain instruction is a secondary item when defining if a certain level required will allow that the student achieves a safe and competent standard. As most (normally all) of these 10 towing instruction flights will be done during the normal gliding operation (with a sailplane behind which had to be towed anyway) and will require only a few minutes additional flight time (MTOM of towing aircraft/additional exercises) the argument does not count at all.

comment

4922

comment by: *Ralph ERSKINE*

*Applicants for a towing rating shall have completed ...*

A sailplane towing rating should only be granted to power pilots who are also sailplane pilots.

*Power pilots who are not sailplane pilots do not have enough knowledge or experience to act safely as tow pilots. It is completely insufficient for FCL.805 para. (b)(4) to require candidates for a sailplane towing rating only to have some 'familiarisation flights'.*

response

*Not accepted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment

4992

comment by: *ECA- European Cockpit Association*

Comment: change text as follows:

(a) Holders of a pilot licence other than an LPL with privileges to fly aeroplanes or touring motor gliders shall only tow sailplanes or banners when they hold the appropriate sailplane towing or banner towing rating.

Justification: LPL license holders are not allowed to fly aerobatics, towing or over mountains. This license is intended for recreational flight. Giving privileges that are from another license (PPL) is not a good idea. ECA cannot agree on the whole picture for LPLs. This was not the initial intention when creating this license. Indeed, this license is not ICAO compliant, we therefore have to be careful on what privileges we give them.

response *Not accepted*

Thank you for providing your opinion.

However, as the same comment was already addressed to other segments please see the response provided. It was decided that there is no safety related argument to exclude an LPL holder to hold such a rating.

It should be mentioned that the privilege of being allowed to perform such a tow was never a privilege only for the PPL holder. In most of the European countries this national rating or qualifications was not linked to the PPL or a higher licence.

comment *5117*

comment by: *Steve BARBER*

As a sailplane pilot being towed by a power plane, I am not pilot-in-command of the combination, but I do want to know that the pilot-in command has a good understanding of my requirements. Therefore a tow-plane pilot should be an experienced sailplane pilot as well as a competent power pilot. The current proposals for a towing rating for the power pilot are too weak for the sailplane experience, and too onerous for the power experience.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment *5125*

comment by: *Allen A.*

Die Voraussetzung von 100 Stunden zum Erwerb der Schleppberechtigung für Segelflugzeuge ist zu hoch. Die bisherigen Erfahrungen zeigen keine erhöhten Sicherheitsrisiken mit Piloten, die weniger Flugstunden haben. Außerdem ist die Anforderung, dass 40 Flugstunden in der jeweiligen Klasse sein müssen, kein Beitrag zur Sicherheit, wenn die Ausbildung auf einem Muster stattfindet, die der Pilot bisher noch gar nicht geflogen ist.

Vorschlag: Mindestflugstunden zum Erwerb der Schleppberechtigung für Segelflugzeuge auf 30 Flugstunden setzen und 10 Flugstunden auf dem Muster, auf dem die Ausbildung stattfinden soll.

response *Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

comment *5153*

comment by: *Dieter Zimmermann*

Zu FCL.805:

Die Erfahrungen der letzten Jahrzehnte zeigt, dass die in Absatz (b)(2) geforderten 100 Stunden Flugzeit für den Erwerb einer Berechtigung zum Schleppen von Segelflugzeugen unangemessen hoch ist. Die angesprochenen 40 Stunden, jedoch auf Flugzeugen mit einer maximalen Abflugmasse bis höchstens 2000 kg, Touringmotorseglern oder aerodynamisch gesteuerten Ultraleichtflugzeugen ist mehr als ausreichend.

Zur Schaffung von Rechtssicherheit ist hinzuzufügen:

(c) Den Inhabern einer Schleppberechtigung auf Flugzeugen, Motorseglern oder aerodynamisch gesteuerten Ultraleichtflugzeugen wird eine Schleppberechtigung auf Flugzeugen bzw. Motorseglern anerkannt, wenn sie mindestens 5 Flugstunden und 5 Starts und 5 Landungen auf Flugzeugen mit einer maximalen Abflugmasse bis höchstens 2000kg bzw. Motorseglern nach Erwerb der jeweiligen Lizenz und eine Einweisung in das Schleppen durch einen entsprechenden Fluglehrer nachweisen können. Es reicht den Nachweis ist im Flugbuch zu führen.

response

*Noted*

Thank you for providing your opinion.

As regards to your first comment, please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours.

As to your second comment, it should be highlighted that the towing pilot holding a rating and having done the training on aeroplanes will automatically be allowed to launch with a TMG as soon as he/she fulfils the 30 hours requirement. Towing with Annex II aircraft has to be regulated under national law and is excluded from these Implementing Rules.

For towing with Annex II aircraft please refer to your national requirements.

comment

5176

comment by: *Werner LADNER*

Refer to FCL.805 (b)(1):

The requirements for towing ratings are too high. For towing, it is not necessary to have a lot of flight time, but it is necessary have practice in launches. In towing the takeoff is the most important part.

In my club the tug is a one seater aeroplane and nobody wants to fly 40 hours before towing rating.

Most of the towing pilots are also sailplane pilots who did the towing rating only to help others to takeoff by towing. High requirements for towing ratings creates high costs and nobody will be disposed to get the towing rating.

I suggest to change FCL.805 (b)(1)

*at least 75 hours of flight time as pilot-in-command for the banner towing or 50 hours of flight time as pilot in command for sailplane towing rating. At least 30 of these hours shall be in aeroplanes, touring motor gliders or 3-axis control microlight and additional 50 launches in aeroplanes, touring motor gliders or 3-axis control microlight .*

	<p>change FCL.805 (b)(3)  <b>5</b> <del>due</del> instruction flights towing either a banner or sailplane, as appropriate;</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>As regards to your first comment, please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours and will follow your proposal to add an additional amount of take-offs.</p> <p>For towing with Annex II aircraft please refer to your national requirements as they are excluded from these requirements.</p> <p>The Agency will allow also solo instruction flights under supervision. The proposed amount of at least 10 instructing flights will be kept. It seems that you are not fully aware of the required skills of such an aerotow or banner towing pilot. Please check the AMC material containing the syllabus for the practical training and you will easily find out that the aim prescribed will not be reached with 5 flights. The AMC says clearly that the applicant should achieve a safe and competent standard and should comprise at least the training items mentioned. In addition to that it should be mentioned that the Agency is of the opinion that - if possible - not all the instruction for the towing instruction should be provided at one day in order to demonstrate how different wind situations and thermal activities can influence such a launch and to learn how to cope with such different weather situations during the launch.</p> <p>For banner towing the proposals received are asking for even more training flights. The Agency will keep also the proposed amount of 10 flights.</p>
comment	<p><b>5187</b> <span style="float: right;">comment by: <i>Pilar Munoz</i></span></p> <p>100 hour of flight time to make the sailplane towing rating is a very tough requirement. It is very difficult to achieve tow pilots with a lower requirement, e.g. 30 hours in Germany. There this practice has not shown to be a problem or a risk for safety, but 100 hours would mean high costs and long time, making it very difficult for club members to realise an autonomous club operation.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency will reduce the amount of flight time on aeroplane to 30 hours and will add an additional amount of 60 take-offs.</p>
comment	<p><b>5206</b> <span style="float: right;">comment by: <i>Paul Morrison</i></span></p> <p>The provisions in the NPA for a sailplane towing rating are very flawed and have the potential to actually encourage dangerous flying.</p> <p>The purpose of an aerotow is be to deliver the sailplane pilot to the point in the sky where s/he needs to be economically and safely. A crucial component of a</p>

tug pilot's skills, therefore, is an understanding and appreciation of the sailplane pilot's needs.

UK gliding has always achieved these objectives without any need for a sailplane towing rating.

This success has been achieved by training pilots who are skilled and experienced in both aeroplane and soaring flying. UK gliding clubs have found that powered pilots with bare knowledge of sailplane flying need a great deal of training. In contrast, glider pilots with little more than a power licence can quickly achieve the required standard. Where clubs have tried using 'pure' power pilots with minimal gliding experience the resulting tows can be ineffective and sometimes dangerous.

This experience is akin to military flying. No air force would dream of introducing formation leading until a pilot is a competent "No2" (in this case a competent aerotow glider pilot). Formation and aerotowing skills are almost identical. The NPA requirement of 40hrs in command of aeroplanes, yet only 3 familiarisation flights in an aerotowed sailplane is completely the wrong way round.

As the NPA17 is presently drafted, the proposed 10 dual instruction flights will require, for the majority of current tug types, the services of a LAFI(A) or FI(A) and most gliding clubs do not have ready access to these pilots. Buying in their services will be expensive, in both time and money. In demanding a LAFI(A) or FI(A), the proposal excludes the very pilots with the experience to effectively teach towing (ie pilots with sailplane skills).

UK clubs have used soaring pilots with CRI ratings in this role with great success. The NPA has been wrong to exclude this. Currently, UK FIs can demand £20 or more per hour for flying club work. This towing requirement would increase the demand and thus their fees.

In conclusion, this proposal as drafted requires expensive instructors, with no required understanding of the subject they are teaching, to train pilots with the wrong experience themselves, for a rating that has been proven to be unnecessary.

I therefore fully support the proposal submitted by the BGA as set out below which reflect hard won experience. The final two maintain the option of using "pure" aeroplane pilots but stiffen up the sailplane experience to a suitable minimum level.

*"BGA Proposal*

*First: the banner and sailplane towing ratings should be split.*

*Second: Remove all references to the towing rating for sailplanes.*

**ALTERNATIVE WORDS FOR SAILPLANE TOWING**

*(Perhaps FCL.806)*

*"Applicants for a sailplane towing rating shall have:*

- (1) 100 hours flight time as pilot-in-command, to include (for initial issue of the rating) 5 hours pilot-in-command of the aircraft type involved*
- (2) received appropriate theoretical knowledge instruction on towing operations and procedures*
- (3) completed 10 dual instruction flights towing a sailplane. This dual*

flying can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.  
 (4) a LAPL(S) or SPL with aerotow launching restriction removed  
 Alternatively, the applicant shall have:  
 (5) the experience and training specified in FCL.805 for banner towing. The 10 dual flight requirement can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.  
 (6) demonstrated sailplane aerotow flying to the same standard that is required for a LAPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches."  
 AND  
 1. Delete the requirement for 40 hours in type (see 1 above).  
 2. There are 4 different licences to which a towing rating can be attached LAPL(A), PPL(A), LAPL(S) with TMG, & SPL with TMG. It should be specified that the appropriate towing rating on one is valid on all.  
 3. Add to FCL.905.CRI CRI - Privileges and Conditions  
 .  
 (a) ..... and towing ratings."

response *Partially accepted*

Thank you for providing your opinion.  
 See the response already provided to comment No 571 (BGA) in the same segment above.

comment **5283**

comment by: *Herbert Schütz*

Die geforderten 40 Flugstunden sind nicht unbedingt das Maß der Dinge, denn beim Schleppen z.B. von Segelflugzeugen muss man sich alle 5 - 6 Minuten zur Landung einreihen und landen. Das kann man mit stundenlangem Geradeausfliegen nicht erreichen. Es wäre sicherlich zweckdienlicher, 20 Flugstunden und 20 Landungen mit dem Flugzeugtyp zu fordern, mit dem geschleppt werden soll.

response *Noted*

Thank you for providing your opinion.

It was decided to lower the requirements for flight time slightly and ask for only 30 hours on an aircraft of the specific class. Following your proposal a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class will be introduced in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

comment **5580**

comment by: *Belgian Gliding Federation*

*FCL 805 (b) (1)*

*Applicants for a towing rating shall have completed*

*1) at least ... 100hours of flight time as pilot in command for the sailplane towing rating. At least 40 of these hours shall be in aeroplanes in the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders*

Comment

The BGF believes that this requirement is too stringent and that not more than a total of 75 hours as pilot in command should be required with at least 30

hours having been flown in aeroplanes. This system is used for many years in Germany and since there was no safety case there is no reason for tightening the rule.

**Proposal**

**1) at least ... 75 hours of flight time as pilot in command for the sailplane towing rating. At least 30 of these hours shall be in aeroplanes in the case the activity is to be carried out with aeroplanes, or in touring motor gliders, if the activity is to be carried out with touring motor gliders**

response *Partially accepted*

Thank you for providing your opinion.  
Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

comment

5632

comment by: *Tom GARDNER*

This is frightfully dangerous - a glider tug pilot needs much more experience than is required by this proposal!

See the BGA comments for a more reasonable minimum standard.

response

*Noted*

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.

It should be pointed out that in several Member States towing pilots with the experience and training proposed (some of them not having any flight in a sailplane at all) are conducting these towing flights on a safe and competent level. If this kind of operation as proposed in the NPA would be really 'frightfully dangerous' as stated in your comment then it should also be considered if the sailplane pilot to be towed should also be required to conduct several familiarisation flights in an aeroplane during the instruction for the launch method aerotow.

comment

5638

comment by: *Klaus Melchinger*

1) It's appropriate as proposed to require a rating specific for sailplane- and banner towing.

2) Requirements (b)(2) and (b)(3) are sensible and appropriate. (b)(4) goes beyond current requirements in Germany but was nevertheless welcomed on a german discussion board. Full agreement here as well.

3) The purpose of (b)(1) is unclear, however. Requiring flight time means a candidate has to sit out time in an aeroplane not increasing his skills relevant for sailplane towing at all.

Relevant for sailplane towing above all are starts.

Therefore, I'd like to get rid of sailplane towing in FCL.805(b)(1).

Those dual instruction flights required in (b)(3) can be extended as needed by the instructor and are fully sufficient to grant safety in sailplane towing. FCL.805 should read:

[...](b)

(1) at least 100 hours of flight time as pilot-in-command for the banner towing

	<p>rating. At least 40 of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders.</p> <p>[...]</p> <p>(3) at least 10 dual instruction flights towing either a banner or a sailplane, as appropriate;</p> <p>[...]</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above. The Agency does not agree with your proposal to delete the prerequisites for the sailplane towing rating in total but will reduce the amount of flight time on aeroplanes to 30 hours. Additionally 60 take-offs on an aircraft of that class will be required following also your statement that the number of take-offs is more important.</p> <p>The term 'at least' will be added.</p> <p>The Agency will follow your proposal to reduce the amount of required flight time for the banner towing rating (but the 100 hours flight time has to be completed on an aircraft of the same class) and will include 200 take-offs.</p>
comment	<p>5639 <span style="float: right;">comment by: Andre KUBASIK</span></p> <p>Die Forderung in FCL.805(b)(1) ist nicht praxisgerecht und nicht zweckmäßig.</p> <p>Flugerfahrung im Sinne von Flugzeit dürfte für das Schleppen von Segelflugzeugen wenig relevant sein. Stattdessen sind Start und Landung entscheidend, da das die Flugphasen sind, die das Schleppen von Segelflugzeugen im Wesentlichen ausmachen, und die kritisch sind.</p> <p>Im Bezug auf das Schleppen von Segelflugzeugen (das mag so ähnlich auch für den Bannerschlepp gelten) sollte die Forderung einer Erfahrung in Flugstunden FCL.805(b)(1) gestrichen werden.</p> <p>Stattdessen wäre es sinnvoll, eine Mindestzahl von 50 Starts und Landungen zu fordern, davon 15 in den letzten 90 Tagen vor Beginn der Ausbildung zum Schleppen von Segelflugzeugen.</p> <p>So sollten ausreichende Erfahrung und Übungsstand für diesen Zweck sichergestellt sein.</p> <p>In FCL.805(b)(3) sollte das dual/doppelsitzig gestrichen werden.</p> <p>Dem Ausbilder sollte die Entscheidung überlassen bleiben, wann einsitzige Ausbildungsflüge sicher, angemessen und zweckmäßig sind.</p> <p>FCL.805(b)(4) spielt eine wichtige Rolle und sollte auf jeden Fall im endgültigen Regelwerk umgesetzt werden. Die Gewöhnungsflüge dienen klar der Flugsicherheit und sind verhältnismäßig.</p>
response	<p><i>Partially accepted</i></p>

Thank you for providing your opinion.

Please see the response provided to comment No 47 (S. Jaudas) in the same segment above.

Following your proposal, a certain amount of take-offs (at least 60 take-offs) on an aircraft of the specific class will be introduced in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

Regarding your second proposal, the Agency agrees and will allow also solo instruction flights under supervision.

comment 5654

comment by: *Robert John*

Sailplane towing requires some additional flight training but is well within the capability of a relatively new pilot PROVIDED that pilot also has a thorough understanding of sailplane operation. This is critical. A tug pilot must be a qualified sailplane pilot or have undertaken training in a sailplane, dual, on tow. The current proposal is quite unsuitable and has its priorities back-to-front.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

It should be pointed out that in several Member States towing pilots with the experience and training proposed (some of them not having any flight in a sailplane at all) are conducting these towing flights on a safe and competent level. If this kind of operation as proposed in the NPA would be really 'quite unsuitable and has its priorities back-to-front' as stated in your comment then it should also be considered if the sailplane pilot to be towed should also be required to conduct several familiarisation flights in an aeroplane during the instruction for the launch method aerotow. The Agency will not introduce such an additional requirement for the LAPL(S) or SPL pilot at this stage.

comment 5830

comment by: *Alan Morton*

FCL 805 on P 42 suggests that only 3 familiarisation flights in an aerotowed sailplane is sufficient experience for any prospective glider tug pilot. As a long time glider pilot and tug pilot, I would say that 3 famil. flights would be totally insufficient to give the tug pilot any real idea of what the glider pilot on tow is looking for.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment 5866

comment by: *EFLEVA*

Glider towing and banner towing are very different activities and EFLEVA considers that these two activities should be divided into two paragraphs.

A towing rating is not presently required but requirements are defined for sailplane towing by the gliding associations. The safety record is good and EFLEVA considers there is no need for this rating.

There is no existing rating for banner towing and no defined licensing rules. Safety record is good for banner towing so EFLEVA suggests that both ratings are deleted.

response *Not accepted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

It should be highlighted that the proposals for the towing ratings are based on an evaluation of the existing requirements for towing operations in different Member States. Towing of sailplanes and banners is considered to be one of the activities where additional training should be defined to keep a standardised level of safety all over Europe. Based on this evaluation most of the elements required were developed.

comment 5965

comment by: *Luftsport-Verband Bayern*

Die Anforderungen für die Berechtigung für den Segelflugzeugschlepp sind zu hoch. Wie die bisherige Erfahrung zeigt, sind sowohl hinsichtlich der vorausgesetzten Gesamtflugerfahrung wie auch zur Anzahl der durchzuführenden Schleppflüge die Hälfte des geforderten Umfanges ausreichend.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above.

comment 6004

comment by: *Phil King*

The requirements for the sailplane towing rating are totally inappropriate. They are liable to be costly to implement because they require the services of a LAFI(A) or FI(A). They do not recognise the need for the tow plane pilot to understand the limitations of a sailplane and the needs of sailplane pilots. The BGA are proposing different requirements based on experience in the UK. I support the BGA proposal:

*First: the banner and sailplane towing ratings should be split.*

.

*Second: Remove all references to the towing rating for sailplanes.*

*ALTERNATIVE WORDS FOR SAILPLANE TOWING (Perhaps FCL.806) "Applicants for a sailplane towing rating shall have:*

*(1) 100 hours flight time as pilot-in-command, to include (for initial issue of the rating) 5 hours pilot-in-command of the aircraft type involved*

*(2) received appropriate theoretical knowledge instruction on towing operations and procedures*

*(3) completed 10 dual instruction flights towing a sailplane. This dual flying can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.*

*(4) a LAPL(S) or SPL with aerotow launching restriction removed*

*Alternatively, the applicant shall have:*

*(5) the experience and training specified in FCL.805 for banner towing. The 10 dual flight requirement can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.*

*(6) demonstrated sailplane aerotow flying to the same standard that is required for a LAPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches."*

*AND*

*1. Delete the requirement for 40 hours in type (see 1 above).*

*2. There are 4 different licences to which a towing rating can be attached LAPL(A), PPL(A), LAPL(S) with TMG, & SPL with TMG. It should be specified that the appropriate towing rating on one is valid on all.*

response *Partially accepted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment *6055*

comment by: *Martyn Johnson*

I agree fully with the BGA response on this:

The provisions in the NPA for a sailplane towing rating are very flawed and have the potential to encourage dangerous flying.

The purpose of an aerotow is to deliver the sailplane pilot to the point in the sky where s/he needs to be economically and safely. A crucial component of a tug pilot's skills, therefore, is an understanding of the sailplane pilot's needs.

1) UK gliding has always achieved these objectives without any need for a sailplane towing rating.

2) This success has been achieved by training pilots who are skilled and experienced in both aeroplane and soaring flying. UK gliding clubs have found that powered pilots with bare knowledge of sailplane flying need a great deal of training. In contrast, glider pilots with little more than a power licence can quickly achieve the required standard. Where clubs have tried using 'pure' power pilots with minimal gliding experience the resulting tows can be ineffective and sometimes dangerous.

3) As the NPA17 is written, the proposed 10 dual instruction flights will require, for the majority of current tug types, the services of a LAFI(A) or FI(A) and most gliding clubs do not have ready access to these pilots. Buying in their services will be expensive, in both time and money. In demanding a LAFI(A) or FI(A), the proposal excludes the very pilots with the experience to effectively teach towing (ie pilots with sailplane skills). UK clubs have used soaring pilots with CRI ratings in this role with great success.

*The NPA has been wrong to exclude this. Currently, UK FIs can demand £20 or more per hour for flying club work. This towing requirement would increase the demand and thus their fees.*

*In summary, this proposal requires expensive instructors, with no required understanding of the subject they are teaching, to train pilots with the wrong experience themselves, for a rating that has been proven to be unnecessary. The items below reflect our hard won experience. The final two maintain the option of using "pure" aeroplane pilots but stiffen up the sailplane experience to a suitable minimum level.*

*BGA Proposal*

*First: the banner and sailplane towing ratings should be split.*

*Second: Remove all references to the towing rating for sailplanes.*

**ALTERNATIVE WORDS FOR SAILPLANE TOWING**

*(Perhaps FCL.806)*

*"Applicants for a sailplane towing rating shall have:*

*(1) 100 hours flight time as pilot-in-command, to include (for initial issue of the rating) 5 hours pilot-in-command of the aircraft type involved*

*(2) received appropriate theoretical knowledge instruction on towing operations and procedures*

*(3) completed 10 dual instruction flights towing a sailplane. This dual flying can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.*

*(4) a LAPL(S) or SPL with aerotow launching restriction removed*

*Alternatively, the applicant shall have:*

*(5) the experience and training specified in FCL.805 for banner towing. The 10 dual flight requirement can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.*

*(6) demonstrated sailplane aerotow flying to the same standard that is required for a LAPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches."*

**AND**

*1. Delete the requirement for 40 hours in type (see 1 above).*

*2. There are 4 different licences to which a towing rating can be attached LAPL(A), PPL(A), LAPL(S) with TMG, & SPL with TMG. It should be specified that the appropriate towing rating on one is valid on all.*

**EASA**

response *Partially accepted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment **6247**

comment by: *Christoph Talle*

I think it is good to require 150 hours for "banner towing". In Germany we have 90 hours, and i think that is not enough, because the pilot can` t think how to fly the aircraft in the moment of "picking up" the banner.

But, for the "sailplane towing" 40 hours on aeroplane and/or TMG with min. 5 hour on that special type of aircraft the rating will be made is absolut enough.

I have a lot of experience as an "tug pilot" and as instructor for this guys and i think we made very good experience with this in Germany.

response *Noted*

Thank you for providing your opinion.

Regarding the amount of hours required as prerequisite for towing sailplanes, please see the response provided to comment No 4219 (Deutscher Aero Club) in the same segment above. In the view of the Agency the additional 5 hours flight time on the specific 'type' of aeroplane is not necessary simply based on the fact, that the towing pilot will be allowed to conduct tows on any other aircraft 'type' later on without being asked for these additional 5 hours experience. The instructor providing the training for this rating will immediately find out if the experience on that specific aircraft type is sufficient to continue with the training or not.

The required flight time to start the training for the banner towing rating is addressed only in a few comments. Based on a careful review the Agency decided to lower the required total flight time to 100 hours but to require them to be flown on class and to add additional 200 take-offs in the specific class to address the specific needs for this task (banner pick-up).

comment **6302** comment by: *Diana King*

FCL 805 (Page 42)

Comment:

It seems entirely inappropriate for sailplane towing and banner towing to be put together. The nature of the operation is completely different. Sailplane towing requires two pilots in different aircraft to fly in close formation with each other and for each to fly in such a way as not to endanger the other aircraft. This a completely different technique to that of banner towing, where the towing aircraft has control of the whole operation without any external input from any other pilot.

The sailplane tow pilot needs to have understanding of the sailplane pilot's requirement to be positioned safely in the appropriate part of the sky. This is normally most successfully achieved by towplane pilots who are either themselves glider pilots or who have taken time and trouble to learn the nature of soaring flight from the glider pilots that they tow.

I do not have the technical competence to propose detailed standards and therefore support the BGA proposals for a sailplane towing rating.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment **6410** comment by: *Volker Müller*

Sailplane towing requirements are too high. 30 hours flight time as PIC as required in Germany at present time are enough, because there is no special skills required as is in banner towing (e.g. banner pickup). The low accident rate of sailplane towing supports this view.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment **6509** comment by: *Austro Control GmbH*

Comment:

Previous experience of 100 hrs for all kinds of towings seems to be sufficient.

Proposed Text:

(b) (1) at least **100** hours of flight time as pilot-in-command for the banner towing rating or 100 hours of flight time as pilot-in-command for the sailplane

	<p>towing rating. At least 40 of these hours shall be in aeroplanes, if the activity is to be carried out in aeroplanes, or in touring motor gliders, if the activity is to be carried out in touring motor gliders;</p>
response	<p><i>Partially accepted</i></p> <p>Thank you for providing your opinion.</p> <p>It should be clarified that the proposal for the towing ratings is based on an evaluation of the existing requirements for towing operations in the Member States. Towing of sailplanes and banners is considered to be activities where additional training should be defined to keep a standardised safety level all over Europe.</p> <p>After having done a careful review of all the comments received (a majority of comments asking the Agency to lower the requirements drastically) and discussing this issue again with the experts, the Agency decided to lower the amount of minimum flight hours and ask for at least 30 hours in the specific class after the issue. For the banner towing rating the proposed amount of 150 hours will be reduced to 100 hour but in the specific class and an additional requirement for 200 take-offs will be added. The text will be amended accordingly.</p> <p>It should be mentioned that the Agency, based on other comments, also decided to require a certain amount of take-offs (at least 60 take-offs for aerotows and 200 for banner tows) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).</p>
comment	<p>6550 <span style="float: right;">comment by: <i>IAOPA Europe</i></span></p> <p>Experience Requirements for the Towing Ratings are too high.</p> <p>The rating should be granted if the applicants perform well during their checkflights. If a minimum hour requirement is regarded as necessary at all, it should be lowered to 50 hours for banner towing and to 20 for glider towing.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>It should be clarified that the proposal for the towing ratings is based on an evaluation of the existing requirements for towing operations in the Member States. Towing of sailplanes and banners is considered to be activities where additional training should be defined to keep a standardised safety level all over Europe.</p> <p>After having done a careful review of all the comments received (a majority of comments asking the Agency to lower the requirements drastically) and discussing this issue again with the experts, the Agency decided to lower the amount of minimum flight hours and ask for at least 30 hours in the specific class after the issue. For the banner towing rating the proposed amount of 150 hours will be reduced to 100 hours (but in the specific class of aircraft) and an additional requirement for 200 take-offs will be added. The text will be amended accordingly.</p> <p>It should be mentioned that the Agency, based on other comments, also</p>

decided to require a certain amount of take-offs (at least 60 take-offs for aerotows and 200 for banner tows) on an aircraft of the specific class in order to address the specific needs for this kind of operation (focusing more on the take-off and landing phase).

comment 6557 comment by: *Michael GREINER*

Dear Sirs and Madams,  
 The need for at least 100 hours of PIC-time for the sailplane towing pilot seems to be very much, compared to the 30hours necessary in Germany under national rules. This requirement has worked fine, without a recognisable safety problem. It allowed clubs to bring forward pilots for aero-towing. With the 100h requirements this would be a hopeless intention.  
 Hundred hours are also much more than the 40 hours of flight experience that are necessary to achieve an aerobatic rating in a powered aircraft, despite the lower complexity of aerotowing.  
 Kind regards, Michael Greiner

response *Noted*

Thank you for providing your opinion.  
 Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment 6578 comment by: *Light Aircraft Association UK*

The LAA considers that the skills of sailplane towing and banner towing are sufficiently different to warrant that these two activities be separated into two different paragraphs.  
 In the case of sailplane towing, the UK has a very good safety record with no requirement to hold an official towing rating, and so the LAA recommends that the requirement to hold a sailplane towing rating be removed.

response *Noted*

Thank you for providing your opinion.  
 See the response already provided to comment No 571 (BGA) in the same segment above.

comment 6652 comment by: *David PYE*

First: the banner and sailplane towing ratings should be segregated.  
 Second: remove all reference to the towing rating for sailplanes.  
 In the event that EASA considers the removal of the towing rating for sailplanes as impossible, then the BGA offers an alternative, and in its view more appropriate set of rules for such a rating.  
 ALTERNATIVE WORDS FOR SAILPLANE TOWING  
 (Perhaps FCL.806)  
 "Applicants for a sailplane towing rating shall have:  
 (1) 100 hours flight time as pilot-in-command.  
 (2) received appropriate theoretical knowledge instruction on towing operations and procedures .  
 (3) completed 10 dual instruction flights towing a sailplane.  
 (4) either (i) and (ii), or, (iii) and (iv):

(i) LPL(S) or SPL with aerotow launching restriction removed, and  
(ii) 5 hours pilot-in-command on the aircraft type involved.  
or  
(ii) The experience specified in FCL.805 for banner towing, and  
(iii) Demonstrate flying a sailplane on aerotow to the same standard that is required for a LPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches.  
FINALLY  
1. Delete the requirement for 40 hours in type.  
2. There are 4 different licences to which a towing rating can be attached LPL(A), PPL(A), LPL(S) with TMG, & SPL with TMG. It should be clear that the appropriate towing rating on one licence is valid for all.  
FCL.905.CRI  
3. Add to FCL.905.CRI CRI - Privileges and Conditions

response *Partially accepted*

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.

comment 6666

comment by: *Croft Brown*

FCL.805 (page 42)

Comment:

The provisions in the NPA for a sailplane towing rating are very flawed and have the potential to encourage dangerous flying. The purpose of an aerotow is to deliver the sailplane pilot to the point in the sky where s/he needs to be economically and safely. A crucial component of a tug pilot's skills, therefore, is an understanding of the sailplane pilot's needs.

1) UK gliding has always achieved these objectives without any need for a sailplane towing rating.

2) This success has been achieved by training pilots who are skilled and experienced in both aeroplane and soaring flying. UK gliding clubs have found that powered pilots with bare knowledge of sailplane flying need a great deal of training. In contrast, glider pilots with little more than a power licence can quickly achieve the required standard. Where clubs have tried using 'pure' power pilots with minimal gliding experience the resulting tows can be ineffective and sometimes dangerous. This experience is closely matched by military flying. No air force would dream of introducing formation leading until a pilot is a competent "No2" (in this case a competent aerotow glider pilot). Formation and aerotowing skills are almost identical. The NPA requirement of 40hrs in command of aeroplanes, yet only 3 familiarisation flights in an aerotowed sailplane is completely the wrong way round.

3) As the NPA17 is written, the proposed 10 dual instruction flights will require, for the majority of current tug types, the services of a LAFI(A) or FI(A) and most gliding clubs do not have ready access to these pilots. Buying in their services will be expensive, in both time and money. In demanding a LAFI(A) or FI(A), the proposal excludes the very pilots with the experience to effectively teach towing (ie pilots with sailplane skills). UK clubs have used soaring pilots with CRI ratings in this role with great success. The NPA has been wrong to exclude this. Currently, UK FIs can demand £20 or more per hour for flying club work. This towing requirement would increase the demand and thus their fees.

In summary, this proposal requires expensive instructors, with no required understanding of the subject they are teaching, to train pilots with the wrong

experience themselves, for a rating that has been proven to be unnecessary. The items below reflect our hard won experience. The final two maintain the option of using "pure" aeroplane pilots but stiffen up the sailplane experience to a suitable minimum level.

Croft Brown endorses the BGA Proposal

First: the banner and sailplane towing ratings should be split.

Second: Remove all references to the towing rating for sailplanes.

#### ALTERNATIVE WORDS FOR SAILPLANE TOWING

(Perhaps FCL.806)

"Applicants for a sailplane towing rating shall have:

(1) 100 hours flight time as pilot-in-command, to include (for initial issue of the rating) 5 hours pilot-in-command of the aircraft type involved

(2) received appropriate theoretical knowledge instruction on towing operations and procedures

(3) completed 10 dual instruction flights towing a sailplane. This dual flying can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.

(4) a LAPL(S) or SPL with aerotow launching restriction removed

Alternatively, the applicant shall have:

(5) the experience and training specified in FCL.805 for banner towing. The 10 dual flight requirement can be flown with a LAFI(A), FI(A), or CRI who holds the rating in question.

(6) demonstrated sailplane aerotow flying to the same standard that is required for a LAPL(S) or SPL holder to have the aerotowing restriction removed, with a minimum of 3 launches."

AND

1. Delete the requirement for 40 hours in type (see 1 above).

2. There are 4 different licences to which a towing rating can be attached LAPL(A), PPL(A), LAPL(S) with TMG, & SPL with TMG. It should be specified that the appropriate towing rating on one is valid on all.

3. Add to FCL.905.CRI CRI - Privileges and Conditions

(a) ..... and towing ratings.

response *Partially accepted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment 6721

comment by: *Nick Norman*

FCL.805:

Banner towing and Sailplane towing call for completely different skill sets, therefore its inappropriate to put them both in one para.

In the UK we have found no need for a Sailplane towing rating - before being allowed to tow a sailplane, a pilot will undergo training with the club's Tugmaster until a satisfactory level of competence is achieved.

The most important attribute of a sailplane-towing pilot is knowledge of gliding matters, especially soaring conditions and local site conditions. I am the Tugmaster at Cairngorm Gliding Club and I have had great success in training pilots for towing Sailplanes if they are experienced Sailplane pilots, even if they have the bare minimum power flying time for a PPL(A). By contrast, I have found it nearly impossible satisfactorily to train up a power pilot with many hundreds of hours, who lack appreciation of gliding matters. Therefore the

proposed requirements are totally inappropriate. If there is to be a Sailplane towing rating, it should have much more emphasis on Saiplane time and much less on Aeroplane time.

Proposal:

**Remove the concept of a Saiplane towing rating from the regulations.**

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment

6775

comment by: *Viehmann, Regierungspräsidium Kassel*

Wir sind mit dem Entwurf einverstanden, halten aber auch zusätzlich eine praktische Ausbildung auf einsitzigen bzw. einsitzig geflogenen Doppelsitzern für nach wie vor sinnvoll.

Es gibt keine negativen Erfahrungen im Zusammenhang mit der Ausbildung auf Einsitzern.

response *Noted*

Thank you for providing your feedback.

The Agency agrees with your proposal to allow also solo flights under supervision. The text will be amended accordingly.

comment

6936

comment by: *ECA- European Cockpit Association*

Comment: change text as follows:

(b) Applicants for a towing rating shall **hold at least a CPL license and** have completed:

Justification:

Any Flight Instructors should hold a CPL as an absolute minimum. As the CPL brings with it greater knowledge and experience purely by the fact that the FI has had to do more training to obtain a CPL. As an industry regulator, EASA should be striving for the highest possible standards. CPL FI is more likely to provide higher standards of instruction than a PPL holder.

Ratings of Towing and Banners cannot be flown by any pilot not holding a CPL as a minimum, so instructors must hold at least the same license. CPL brings with it greater knowledge and experience. ECA considers that any lower license does not assure the minimum knowledge and skills to safely perform these activities. The likelihood of these organisations or operators (doing these activities) not being commercial operators is so low, there is no justification to let PPLs to perform this high risk activities.

response *Not accepted*

Thank you for providing your opinion.

Please see also the response already provided to your comment in the same segment above (LPL related).

As to your proposal to add 'shall hold at least a CPL', the Agency does not agree and will not ask for a CPL to hold such a rating. Like the night qualification in JAR-FCL the other ratings will be used for non-commercial club based operations and should therefore not be limited to CPL/ATPL holders only.

The Agency considers that asking a pilot who wishes to conduct towing operations to hold a CPL is disproportionate.

comment

7260

comment by: ECOGAS

Current wording:

(b) Applicants for a towing rating shall have completed:

(3) 10 dual instruction flights towing either a banner or a sailplane, as appropriate;

Issue: Requirement of 10 dual instruction flights is excessive

Suggestion: change to "3 dual instruction flights towing either a banner or a sailplane, as appropriate;"

response

*Not accepted*

Thank you for providing your opinion.

However, the Agency does not agree at all with your proposal to reduce the required amount of training flights to only 3 flights.

Based on an evaluation of the existing requirements for the towing instruction in different Member States and on the fact that there are some accidents reported during towing operations within the last years, the Agency strongly believes that requiring only three instruction flights will not meet the needs at all and will create additional hazards for this kind of operation. It seems that you are not fully aware of the required skills of such an aerotow pilot. Please check the AMC material containing the syllabus for the practical training and you will easily find out that the aim prescribed will not be reached with 3 flights. The AMC says clearly that the applicant should achieve a safe and competent standard and that the training should comprise at least the training items mentioned. In addition to that it should be mentioned that the instruction for the towing rating should - if possible - not all be provided at one day in order to demonstrate how different wind situations and thermal activities can influence such a launch and to learn how to cope with such different weather situations during the launch.

The same approach and reasoning is valid for the banner towing rating. The proposed amount of training flights will be kept.

comment

7262

comment by: A.Garside

Many towplanes in the UK are single seaters and the proposed requirements are over burdensome. We have converted many pilots on to single seat towing without the need for training at the levels proposed. How can anyone get 40 hours on type in a Pawnee, this is IMPOSSIBLE and would render Pawnees obsolete. Towing on one type should be acceptable for all types with perhaps 1 or 2 hours type conversion training. If a club was to buy a new type of tow plane and all tow pilots had to do 40 hours in it (say 20 pilots) that would be 800 hours before it did any tows. In the UK we have not had a specific tow

	rating so again there must be grandfather rights for those already towing.
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>However, it must be pointed out that the Agency never asked for 40 hours on a specific aeroplane. As you might know the PPL(A) or LPL(A) holder will be allowed to fly the aircraft category of a specific class like single-engine piston aeroplanes.</p> <p>As the proposed text clearly says '40 hours of these in aeroplanes' this flight time can be flown on any SEP aeroplane. Based on this your calculation is wrong. Your comment seems to be based on a misinterpretation done by another stakeholder. By copying this comment without checking the Agency's proposal this 'problem' is raised now in several other comments.</p> <p>Please see the response to the BGA comment in the same segment above to be informed about the agreed changes.</p>
comment	<p><b>7290</b> <span style="float: right;">comment by: <i>Stampa Hartwig</i></span></p> <p>One of the conditions to get the sailplane towing rating is too high: 100 hours of flight time as pilot in command. 50 hours of flight time as pilot in command are enough.</p> <p>Also the flight time in aeroplane or TMG ist too high: 30 hours of flight time are enough.</p> <p>Reason: Decades of experience in Germany in safe towing sailplanes.</p>
response	<p><i>Accepted</i></p> <p>Thank you for providing your opinion.</p> <p>Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.</p>
comment	<p><b>7373</b> <span style="float: right;">comment by: <i>Roger STARLING</i></span></p> <p>FCL 805.</p> <p>The implication that towing a banner is the same as aerotowing a glider is ludicrous. Good aerotowing requires considerable gliding experience and the two actions should be considered seperately. An aerotow tug pilot does not require 40 hours on type, he does, however require considerably more experience of flying gliders than the 3 flights proposed.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing your opinion.</p> <p>See the response already provided to comment No 571 (BGA) in the same segment above.</p> <p>However, it must be pointed out that the Agency never asked for 40 hours on a specific aeroplane. As you might know the PPL(A) or LPL(A) holder will be allowed to fly the aircraft category of a specific class like single-engine piston aeroplanes.</p>

As the proposed text clearly says '40 hours of these in aeroplanes' this flight time can be flown on any SEP aeroplane. Your comment seems to be based on a misinterpretation made by another stakeholder. By copying this comment without checking the Agency's proposal this 'problem' was now raised in several other comments.

Please see the response to the BGA comment in the same segment above to be informed about the agreed changes.

comment **7394** comment by: *David Chapman*

Banner and glider-towing ratings are substantially different classes of flight and must be separated. The banner is somewhat passive, while a glider/pilot on tow is a very active device. For the safety of both pilots a firm understanding of gliding is essential for the tug pilot.

The glider-towing rating requires adequate power plane competency, and ideally significant sailplane competency.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment **7435** comment by: *Chris Bärthel*

Die geforderten 100 Flugstunden werden zu einem Mangel an Schlepppiloten führen, da etliche Piloten ihre Schleppberechtigung aus Kostengründen gar nicht erst machen werden/können.

In Deutschland sind bisher 30 Flugstunden vorgeschrieben, was bisher zu keinen Problemen geführt hat.

Sinnvoller wäre in meinen Augen eine Festlegung auf Starts/Landungen, da das die kritischen Phasen des Schleppts sind. Zweckmäßig wäre hier dann eine Festlegung auf eine bestimmte Startzahl innerhalb einer festgelegten Zeitspanne, wodurch auch ein gewisser Übungsstand der Schlepppiloten garantiert wäre.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment **7457** comment by: *AS Miller*

This comment applies to **FCL.805; FCL.905.LAFI; FCL905.FI; FCL.915**

#### Sailplane Towing

I concur with the comments made by the British Gliding Association, but consider it important to add as much emphasis as can be mustered: the proposals in this NPA are very seriously flawed. There are two principle issues.

First: aerotowing is another variation of formation flying and both entail similar skills to those required for military air-to-air refueling.

I have 10 years experience teaching formation flying as a military flying instructor.  
 I have been an qualified air-to-air refueling instructor.  
 I have been a sailplane tug pilot for 39 years  
 I am in charge of the tug pilots at my gliding club.

In all three disciplines, the tow pilot (or formation leader, or tanker captain) must have a thorough understanding of the sailplane pilot's (or No2's, or receiver pilot's) needs.

In all three disciplines, normal training has been to, first, establish competence as sailplane pilot (or No2, or receiver pilot). Only after this can tow pilot training be considered (or formation leader, or tanker captain).

Any attempt at teaching, first, the front end of the appropriate combination has always ended in tears.

By contrast, experienced sailplane pilots with little power experience can rapidly become safe, effective tow pilots.

The proposed requirement of 40hrs in aeroplanes, yet only 3 familiarisation flights in a sailplane is in direct contravention of all my experience. I must emphasise: this proposal is dangerous.

The BGA's proposals are sensible.

Second: the proposed instructor qualification for tow training is dubious.

I understand that EASA intends that any FI or LAFI who holds a towing rating can do this training. FCL.915 (b)(2)(ii), however, could be read as a requirement that the tow instructor is an FI(A) or LAFI(A).

There are very few sailplane pilots who are also FI(A)s or LAFI(A)s. If the requirement were to stand, instructors from power flying clubs would be needed. These are expensive, yet unlikely to have appropriate sailplane experience. The overall result would be instructors who did not know the subject they were teaching, training pilots with inadequate experience. I have run out of emphasis.

EASA's intent is correct: the wording should be clarified to confirm it.

Andy Miller

response

*Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

Regarding your comment that 'this proposal is dangerous' and the example provided to prove that the tug pilot must have 'a thorough understanding of the sailpane pilot's needs', it should be highlighted that the Agency does not agree. This opinion is based on the experience gained in several other Member States where 'pure' powered pilots are allowed to perform tows and where the accident rate is not different from the one in the UK. As several existing requirements for the towing rating were analysed during the drafting phase the Agency would like to highlight this issue.

Additionally, the Agency would like to clarify also that an important element is

totally missing in your justification. Following your logic and the comparison with 'formation flights' or 'refueling flights' and the request to allow this only if the 'No 1' pilot is competent enough would also clearly mean that all the sailplane pilots starting the training for the launch method aerotow should have the basic knowledge and experience to fly the towing aeroplane. Most of the accidents happened in Europe during tow in the past were caused by the sailplane pilot and not by the aeroplane pilot (by climbing too high - tow upset - during launch or getting into an uncontrolled attitude during launch).

The Agency discussed this issue of adding some additional familiarisation flights in an aeroplane for the LPL(S) or SPL licence holder when starting the additional training for the launch method aero-tow but decided not to introduce such an additional requirement at this stage.

As the Agency does not agree with this comparison ('formation flight') it was decided not to follow your proposal (copied by several other comments) and keep the requirements allowing a 'pure' aeroplane or TMG pilot to start the training for this rating. In order to address your concerns the Agency will raise the amount of familiarisation flights in a sailplane and require 5 such flights. The Agency strongly believes that a competent LAFI(S) or FI(S) will be able to show the future towing pilot all the necessary exercises (including emergency procedures) during these five launches in order to guarantee the necessary basic knowledge about the sailplane related specifics. As a sailplane pilot who intends to extend his/her privileges to aerotow only needs to conduct 5 dual instruction flights to be able to fly solo behind the towing aircraft these 5 familiarisation flights will be more than enough to demonstrate the specifics to the tug pilot.

comment

7491

comment by: *Philipp REHBEIN*

In FCL.805 (b) (1), the requirements for glider towing shall be reduced to 50 hours of flight time as pilot-in-command (which shall include the piloting of sailplanes) and 30 hours in aeroplanes or TMG, respectively.

Furthermore, a paragraph (c) to facilitate the change of the towing plane used shall be introduced as follows:

(c) Holders of sailplane and banner towing ratings in aeroplanes shall have completed 5 hours as pilot-in-command in touring motor gliders to carry out the activity in touring motor gliders, and vice versa.

Both of these have been practice in Germany for long and have lead to no safety concerns so far. The affordable training of towing pilots is of utmost importance to glider flying clubs throughout Europe.

response

*Partially accepted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

7625

comment by: *Atlantic Training Support*

FCL.805 (b)(3) change to '3 dual instructional flights towing either a banner or a sailplane, as appropriate'

response

*Not accepted*

Thank you for providing your opinion.

However, the Agency does not agree at all with your proposal to reduce the required amount of training flights to only 3 flights.

Based on an evaluation of the existing requirements for the towing instruction in different Member States and on the fact that there are some accidents reported during towing operations within the last years, the Agency strongly believes that requiring only three instruction flights will not meet the needs at all and will create additional hazards for this kind of operation. It seems that you are not fully aware of the required skills of such an aerotow pilot. Please check the AMC material containing syllabus for the practical training and you will easily find out that the aim prescribed will not be reached with 3 flights. The AMC says clearly that the applicant should achieve a safe and competent standard and that the training should comprise at least the training items mentioned. In addition to that it should be mentioned that the instruction for the towing instruction should - if possible - not be provided all at one day in order to demonstrate how different wind situations and thermal activities can influence such a launch and to learn how to cope with such different weather situations during the launch.

The same approach and reasoning is valid for the banner towing rating. The proposed amount of training flights will be kept.

comment 7801 comment by: *Matthias SIEBER*

Die Anforderungen sind deutlich zu hoch. 75h Flugerfahrung nach Scheinerhlat reichen aus. Den Vereinen wird es sonst erschwert, entsprechenden Nachwuchs heranzuziehen, da sich die Ausbildung nicht unerheblich im Budget auswirkt. Allerdings sollten mindestens 10h Flugerfahrung auf dem verwendeten Muster vorhanden sein, dadurch ist die Sicherheit und das Handling der maschine beim Schleppen gewährleistet.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment 7829 comment by: *Dick Dixon*

Glide towing is completely different from Banner towing, and should be dealt with separately.

I have studied the BGA's proposals and commend their approach as being workable and realistic. Why interfere with procedures which have stood the test of time and have been proved to be safe and effective.

response *Noted*

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.

comment 7840 comment by: *Tim FREEGARDE*

FCL805

I concur with the BGA view on sailplane towing. Piloting a glider tug requires considerable skill and judgement, not simply powered flight time, and more than three mere 'familiarization' flights. Indeed, I can imagine that an experienced glider pilot with 50 hours power flying would make a better tug pilot than a pilot specialized in power flying alone. The differences between TMG and light aeroplanes as tugs, however, do not merit the requirement for 40 hours on type.

I therefore endorse the BGA proposals that for sailplane towing the power requirements be 100 hours on aeroplanes or TMG, with 5 hours on type, together with 10 dual instructional flights, theory, and the aerotow gliding rating.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment *7851*

comment by: *Graham Bishop*

UK gliding uses pilots who are experienced in both power and gliding. Pilots experienced in power only have required more training in aero towing. The provisions in the NPA are flawed as they do not recognize this requirement. The NPA requires 40hrs power with only 3 familiarisation flights in a towed sailplane. This is less appropriate experience than is currently required by the current regulations.

response *Noted*

Thank you for providing your opinion.

See the response already provided to comment No 571 (BGA) in the same segment above.

comment *8016*

comment by: *Andy Balkwill*

Firstly it should be clear that gliders do not tow other aircraft (or banners) and so the ratings should reflect this.

Secondly, in respect of the rating required by a power pilot to tow gliders, this should reflect a requirement that the pilot concerned has a good understanding and /or experience of flying gliders. This is the best route to ensure safety of both the towing and the towed aircraft. The suggestion that 3 familiarisation flights in a sailplane is sufficient in my opinion totally inadequate. Personally I would never accept a tow from a pilot with such limited experience of gliding.

It seems bizarre that the experience required to tow an inanimate object where the only life at risk is that of the tug pilot exceeds the experience required before towing a glider where in addition to the tug pilot's life, the life(s) of the glider pilot(s) are also at risk.

response *Noted*

Thank you for providing your opinion.

Your first comment is not understood as FCL.805 (a) clearly defines that the

following rating is only for 'holders of a pilot licence with the privileges to fly aeroplanes or touring motor gliders'. Nothing indicates that a 'pure' glider pilot will be allowed to tow with a sailplane and secondly the Agency is aware that the Appendix in CS-22 does only allow to use sailplanes with TMG criteria to be certified for aerotow. Please read the Agency's proposal again and you will agree that the issue you are criticizing is already reflected and solved.

Regarding your second comment see the response already provided to comment No 571 (BGA) in the same segment above.

Regarding your third issue it seems that the comment is missing the point. The training requirements are never based on the criteria on which you have based your comment (which is the question how many persons are involved in a certain operation) because this would for example lead to the result that a PPL(A) pilot when carrying three passengers should have more experience or must have received more training than the pilot carrying only one passenger.

The requirements for banner towing and towing of sailplanes are based on the necessary training for performing a safe operation. Please study the training material and other information about some of the pick-up procedures used for banner towing and you will immediately understand why different experience requirements are chosen. It should also be mentioned that all these requirements are based on an evaluation of the existing requirements for this kind of ratings or qualifications in Europe.

comment

8057

comment by: *hyflyer*

Warum sind hier so hohe Stundenzahlen gefordert? Meiner Meinung nach sind 30 Stunden als PIC und 5 Stunden auf dem Muster ausreichend. Mir sind als langjähriger Fluglehrer keine Probleme bekannt, die auf zu geringe Erfahrung im F-Schlepp zurück zu führen sind. 100 Stunden bedeutet für einen Privatpilot evtl. dass er erst ca. 8 Jahre nach Scheinerhalt die F-Schleppberechtigung machen kann. Das ist unverhältnismäßig!

response

*Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment

8067

comment by: *Ingo Wiebelitz*

FCL.805

(b) (1) Die Anforderungen sind viel zu hoch! Die Erfahrungen in den deutschen Vereinen und auch meine persönliche Erfahrung sagt, dass unter Berücksichtigung ALLER Sicherheitsaspekte eine Flugerfahrung von 30 Stunden nach Lizenzerhalt vollkommen ausreichend ist!

(b) (3) Die Schleppeinweisung soll außerdem auch von Segelfluglehrern FI(S), welche eine Motorfluglizenz besitzen, durchgeführt werden können. Dies war bis zur Einführung von JAR-FCL in Deutschland gängige Praxis, vielfach erprobt und sicher!

response

*Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.  
Based on the comments received it was decided to change the requirements. It will be required to have completed 30 hours in the specific class (e.g. TMG) including at least 60 take-offs.

Regarding the comment on the instructor's qualification please see the answer provided to comment No 571 (BGA) in the same segment above.

comment **8108** comment by: *Lasham gliding society*

the towing of Banners and the towing of Sailplanes are two very different operations and should not be under one rating.

Currently in the UK all tow plane pilots are trained within the club environment by instructors who are experienced 'Tug Pilots' who are also experienced glider pilots. This ensures a high level of safety through experience and is reflected in the UK aerotowing safety record in the last 20 Years.

To have tow plane pilots with little or no gliding experience is not acceptable and no UK gliding club would allow the tug to be flown by a person with less than 100hrs gliding experience

response *Noted*

Thank you for providing your opinion.  
See the response already provided to comment No 571 (BGA) in the same segment above.

comment **8119** comment by: *Wolfgang Lamminger*

Experience Requirements for the Towing Ratings are too high.

The rating should be granted if the applicants perform well during their checkflights. If a minimum hour requirement is regarded as necessary at all, it should be lowered to 50 hours for banner towing and to 20 for glider towing.

response *Noted*

Thank you for providing your opinion.  
Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment **8186** comment by: *H.D.BAUER-HIMMELSBACH*

Für die Erlangung von Schlepplizenzen sind 100 Std. als PIC sehr hoch gegriffen. 50 Std. sollten auch ausreichen, zumindest wenn der Motorflug-Pilot außerdem selbst ebenfalls Gliderpilot ist. Dies ist in unserem Vereinsflugbetrieb ohnehin die Regel, da wir über den Segelflug zum Motorflug kommen. 20 Std. Flugerfahrung auf dem Schleppflugzeugmuster sollten auch genügen um damit schleppen zu dürfen.

response *Noted*

Thank you for providing your opinion.

Please see the response provided to comments No 47 (S. Jaudas) and No 576 (O. Heymann) in the same segment above.

comment **8238** comment by: *AOPA Sweden*

AOPA Sweden proposes this is not a rating. Instead, we propose a solution where the pilot, after successful training, will receive an entry in his logbook, that gives the pilot the "aerobatic" privileges. This procedure will save resources both at CAA's and for the pilots, without impact on flight safety. This procedure is presently used in Sweden with good result. There was never skill test for this rating in Sweden.

response *Not accepted*

Thank you for providing your opinion.

The comment should have been addressed to another segment. This paragraph is dealing with the requirements for the towing ratings.

The Agency has understood your proposal and the reasoning behind it. However, based on the evaluation of the ratings actually in place in a lot of Member States and on the input received from licensing experts, the Agency decided to introduce such a rating.

The Agency strongly believes that such a rating will guarantee a standardised level of aerobatic instruction and will support the aim to reach a high safety standard for this kind of operation.

In order to address in a certain way some of the issues mentioned, the Agency decided not to introduce a skill test for this at the end of the training and further does not intend to introduce a revalidation procedure which would create additional burden and costs. Following FCL.015 the rating will be endorsed on the licence.

comment **8284** comment by: *Paul Mc G*

UK gliding has many decades' experience of safe aerobatic flying, without currently require a rating. Training is monitored by local practices and rules but does follow a national syllabus, but a license endorsement following a local course would indicate proficiency, perhaps administered through the BGA?

Few glider pilots ever aspire to the level of aerobatics required in the AMC. Surely the general requirement for training is set at far too high a level for sailplane pilots and seems to be largely informed by the powered flying requirements. In addition, there are very few training sailplanes available which are permitted to fly the range of manoeuvres proposed in 4.1

There are reservations about the hours requirements. There is enormous variety in the way that aerobatic instruction time can be logged

In addition, sailplane aerobatics must take place at the airfield, making supervised solo a valuable option.

Part-FCL - Subpart I: Additional Ratings - FCL.805 Sailplane towing and banner towing ratings

The skills of sailplane towing and banner towing are so different that these two activities must be separated. The power flying hours required are too high and the gliding experience too low as has been proven in the past. A rating would

protect tug pilots from some instructors but only if ratings were to be removed on complaint!!! Some people never learn!!

response

*Noted*

Thank you for providing your opinion.

However, it seems that the first part of your comment should have been addressed to another segment as it deals with the aerobatic rating. Please refer therefore also to the responses already provided to the BGA comment in the segment for FCL.800.

Based on an evaluation of the actual requirements in several Member States, the Agency has decided to create such a rating in order to guarantee a standardised level of aerobatic instruction and to reach a high safety standard for this kind of operation.

The AMC material has been reviewed based on the comments received. Please check the responses provided in the appropriate segment for the AMC material and study the resulting text. The syllabus in 4.1 has been amended in order to allow sailplane pilots to perform all the required exercises.

A certain amount of training flights as an alternative to the proposed 5 hours have been incorporated. Solo flights under supervision will be possible.

Regarding the sailplane towing rating please see the response already provided to comment No 571 (BGA) in the same segment above. The aspects mentioned are the same as already identified by the BGA comment.

comment

**8310**

comment by: *A.Garside*

This is the most appalling consultation process I have ever tried to undertake as an individual. It has the potential to restrict the individuals human rights with regard to aviation activities on a scale never before seen with the subsequent real possibility of legal actions being taken against the authority. It is over complicated and has been designed to make it easier for the authority to analyse the results but extremely difficult for the participants to complete. It is unacceptable to remove rights from individuals that they currently enjoy on the basis of a rule change that now requires them to have a rating that previously did not exist. For example the case of glider towing, no rating is required in the UK and if there is no acceptance of grandfather rights then pilots will be restricted simply by a rule change. The requirement to have 40 hours on type before towing gliders is ludicrous, has no basis in safety and takes no account as to how this can be achieved practically in a single seat tow plane like a Pawnee. If a club with say 20 pilots was to buy a new type of tow plane and every pilot at that club had to do 40 hours on the new type this would amount to 800 hours flying time. It would also cost each pilot at least £5000 min to do what is a voluntary task within a club environment. Many pilots in the UK enjoy aerobatics in both light aircraft and gliders which do not require a rating. Again it is not acceptable to now restrict this activity because they don't have a rating that didn't exist before. Here again grand father rights must be given. The restriction of gliders to VFR will present real and possibly dangerous problems for glider pilots. This regulation may have in theory existed in some European states (eg. gliders staying 1000 feet below cloud) but it was only in theory. How can a glider climb in wave if its not allowed to go near to the wave cloud to climb in the rising air associated with that cloud?

response

*Noted*

The Agency acknowledges your comment.

However, the Agency would like to challenge the general statement provided in your comment and would like to present some answers and explanations to some of the examples you are using to support your opinion.

Regarding your comments on the towing rating it seems that your feedback is based on a misinterpretation of the proposals contained in FCL.800. Nothing is said so far about 'grandfather rights' as this issue will be regulated in a separate document. The aim is to transfer all the JAR based licences directly into the new system and to involve the Member States in doing the conversion of the national licences and ratings. The main aim will be to provide a licence holder with most of the privileges (possibly all the privileges) he/she actually has. Meaning that a national towing rating on a glider pilot licence (with TMG) or a PPL(A) or national aeroplane licence should be transferred into the new system without losing this towing privilege.

As a second item you are mentioning '40 hours on type' which was definitely not proposed. FCL.800 (b)(1) asked for 100 hours of total flight time on any aircraft category (sailplanes included) and for additional 40 hours on aeroplanes or TMG. As there is no distinction of types within the SEP class rating the example provided by you is not right as the Pawnee pilot should have only a few hours on the Pawnee to be really familiar with this 'type' but all the other hours required could have been completed on other aeroplanes within this class. The calculation of additional flight hours and costs within your club is therefore also wrong.

Regarding your comments on the aerobatic rating please check the responses provided in the appropriate segment and see also the resulting text. It should be highlighted that all the requirements for the ratings and the decision which ratings have to be transferred into the future European system are based on an evaluation of the existing requirements and the input received from licensing experts. It was never questioned by any of the experts involved during the drafting process that ratings like the proposed aerobatic, towing or night rating will be part of this future licensing requirements.

Regarding the issue of a cloud flying rating for sailplanes please see the response to comment No 146 in the same segment above. As this topic of flying in IMC with a sailplane is very closely connected with the ICAO minimum requirements for the different airspace categories (in airspace E such a mentioned '1000 ft requirement' is ensuring the urgently needed distance in order to create some separation between IFR flights within clouds and the other VFR traffic flying below - which is clearly an important safety issue), the Agency decided to solve the related problems in another task. This process is still ongoing.

**B. Draft Opinion Part-FCL — Subpart I: Additional Ratings — FCL.810 Night rating** p. 42-43

comment

20

comment by: *Marcus Aulfinger*

I suggest to make changes in FCL 810 (b)(2)(ii) and (iii).

Reason: From my experience in giving NVFR ratings, I think there should be a shift in the hours. From my experience, 10 hrs of instrument training is way too much as the goal of this training is to enable a pilot to fly out of a situation where he/she accidentally flies in clouds at night. The intent is not to enable somebody to fly on instruments. A sufficient efficiency in to make the four basic maneuvers on instrument is gained in 5 hours. In comparison, I think the 5 hours requirement for flight time at night can be extended to give the pilot more real experience and more decision making discussions. My suggestion is to change FCL 810 (b)(2)(ii) to '5 hours of helicopter dual instrument instruction time; and' and FCL 810 (b)(2)(iii) to '10 hours of flight time, including at least 8 hours of dual instruction and 5 solo night circuits. Each circuit shall include a take-off and landing.'

response *Noted*

The Agency follows closely paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c). The hours for the flying training at night for helicopters in FCL.810(b)(2)(ii) and (iii) are a reflection of the hours taken from Appendix 4 to JAR-FCL 2.125, paragraph 9 and 10.

At this point, the Agency sees no reason to increase the number of hours as you propose.

Please see also the reply to comment 2573 below.

comment *514*

comment by: *FOCA Switzerland*

I/FCL.810

Proposal:

- **(a) Categories glider and balloon to be deleted.**
- **(c) (2) 5 hrs of dual instruction at night; night flying on TMG and/or aeroplane may be considered.**
- **(c) (3) Sentence to be deleted, no restriction**

response *Noted*

1. To your proposal concerning subparagraph (a):

The Agency cannot agree with your proposal to delete the night rating for balloons. In addition to the fact that no justification is provided, the Agency considers that this is an essential issue, specifically for gas-balloons.

In relation to sailplanes, please see the reply to comment 924 below.

2. To your proposal concerning subparagraph (c)(2) and (c)(3):

Please see the reply to comment 924 below.

comment *516*

comment by: *Otto Karlig*

Flying a private aircraft is a form of personal transportation. And it is not correct to restrict the personal transportation in small aircraft by PPL pilots from sunrise to sunset. Flying at night is as normal as driving a car at night.

So it would absolutely make sense integrating Night flight training in the normal PPL training like it has ever been in the USA. And of course this would improve GA safety!

response

*Not accepted*

The Agency follows closely paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c).

This means that the Agency did not change the system of night qualifications as it was under the JAR regulation.

Your proposal to include the night training directly in the PPL training was considered by the Agency at some point, but in the end it was decided to maintain the system established in JAR-FCL. This could eventually be amended in the future, but will need to be the subject of a new rulemaking task.

comment

803

comment by: *Robert Cronk*

(a) If a TMG is certified for night flight, and a pilot as a night rating gained in SEP, I see no advantage in having to undertake the full course of 5 hours etc in a TMG to gain night privileges in a TMG in addition to those already held for SEP. Maybe night in an airship would be quite different and require the additional night time. The night rating gained on either TMG or SEP should apply equally to the other without further training or time required.

(c) - item 2 - 5 hours of dual instruction at night is longer than may in practice be practical in gliding. Night flying of gliders is not generally undertaken in the UK - in terms of launches, anyway - but I understand that in Poland they do night circuits, and may qualify for solo after 3 or 4 flights. That is less than one hour.

response

*Partially accepted*

1. To your proposal concerning subparagraph (a):

The Agency agrees that it makes sense to have credit between hours flown in TMG and SEP, as well as a credit between privileges in this case. The text will be amended to reflect this.

2. To your proposal concerning subparagraph (c):

Please see the reply to comment 924 below.

comment

924

comment by: *Rory OCONOR*

this is stupid for sailplanes.

why should they be limited to the same airfield. If a glider pilot is sufficiently experienced to wish to fly at night, then (a) they are unlikely to need any instruction because they will be high hours and self-taught and (b) they are likely to be flying very long distances cross-country probably in wave, not just tootling around a local airfield.

Again this brings out the point that with glider flying:

reaching a certain standard requires instruction but then gaining proficiency and expertise ie most glider flying tends to require many hours of solo practice with intermittent instruction/discussion with other pilots.

Most aspects of glider flying are learnt in this second phase, and cannot easily be measured in hours of flight time or hours of instruction.

Many glider instructors are not particularly competent cross-country or competitor pilots and vica-versa

response

*Noted*

After having carefully reviewed the comments received on the night rating for sailplanes, the Agency has decided to delete this requirement. This decision took into account the following:

- several stakeholders are not in favour of such a rating for sailplane operations;
- when drafting the proposal, which was based on a similar rating actually in place only in a few Member States, the FCL.001 group already introduced paragraph (c) in order to address the problem of outlandings with a sailplane during night;
- the Agency is of the opinion that a certain risk is connected to cross-country night flights with sailplanes because an outlanding can always happen which would be extremely dangerous during night;

Therefore, based on the comments received addressing the rating itself and the limitation in (c), the Agency decided to delete it for sailplane operations.

comment

1000

comment by: *CAA Belgium*

(a) Proposal : to introduce in this paragraph (a) the same provision as in paragraph (b) helicopters that the training should be completed within a period of 6 months.

The requirements for night flight for A,TMG and As differs from H. Is this justified ? We all know that the difference existing in JAR-FCL was due to the fact that the rule was made by two different working groups.

Differences are:

- extra experience for H
- H need theoretical instruction
- H need dual instrument instruction

LPL helicopters are excluded

(c) instruction for sailplanes should be harmonized with A,TMG,As and H.

response

*Noted*

1. To your proposal concerning subparagraph (a):

The Agency follows in this night rating paragraph FCL.810 closely paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c).

It is true that there is a difference between paragraph the night rating training for aeroplanes and helicopters coming from JAR-FCL. At the time the Agency was drafting this NPA, the idea of harmonizing the requirements for aeroplanes and helicopters was discussed, but in the end it was decided to keep the JAR-FCL system.

It is possible that this could be amended in the future, but it will have to be the subject of a specific rulemaking task.

2. To your proposal concerning subparagraph (c):

Please see the reply to comment 924 above.

comment

1074 ❖

comment by: *Swedish Transport Agency, Civil Aviation Department (Transportstyrelsen, Luftfartsavdelningen)*

	<p><b>Comment:</b> Clarifications. Are these ratings valid forever? Do we require a skill test for these ratings? Shall these ratings be endorsed on the licence?</p> <p><b>Proposal:</b> It seems that something is missing in the requirement for these ratings.</p>
response	<p><i>Noted</i></p> <p>1. To your first comment concerning the validity of the night rating: The Agency follows in this night rating paragraph FCL.810 closely paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c). Under the JAR regulation the night qualification was valid for ever.</p> <p>2. To your second comment concerning the skill test for night rating: There is no skill test needed, as was already the case in JAR-FCL.</p> <p>3. To your third comment concerning the endorsement of the night rating: The night rating will be endorsed on the licence, like it was ruled in paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c)(3). In Part-FCL this is covered by a general paragraph in Subpart A, FCL.015 (b), which determines that all privileges shall be endorsed on the licence. Because of this general paragraph, there is no need to repeat for every rating or qualification that it shall be endorsed on the licence.</p>
comment	<p>1242 <span style="float: right;">comment by: <i>Aeromega</i></span></p> <p>The requirement to do a further 10 hours of instrument flying before taking a night course discourages many pilots from doing a night rating. 5 hours of I/F would be perfectly adequate to acquire the necessary skills to take a night rating. See comments elsewhere about dangers of including I/F in the PPL.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 20 above.</p>
comment	<p>1852 <span style="float: right;">comment by: <i>Reinhard Weihermueller</i></span></p> <p>- soll unmittelbar nach der Erlangung des Fluscheins möglich sein</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 516 above.</p>
comment	<p>1861 <span style="float: right;">comment by: <i>Dr. Schreck</i></span></p> <p>FCL. <span style="float: right;">810</span> Die Voraussetzungen für eine Nachtflugberechtigung erscheinen zu gering. Eine höhere Anzahl von Mindeststunden (z.B. 20 Stunden) sollte angedacht werden.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 20 above.</p>

comment	<p><b>1881</b> <span style="float: right;">comment by: <i>Markus Malcharek</i></span></p> <p>6 Stunden für Night Rating ist als zu wenig einzustufen! Vor allem für Inhaber einer LPL mit entsprechend wenig Erfahrung und Flugstunden in der Ausbildung. Gegenvorschlag: Vor allem für LPL Inhaber nach Schein mindesten 50 Stunden erforderlich, 10 Stunden für die Ausbildung im Nachtflug. Für PPL Inhaber mind. 20 Stunden nach Schein, mind. 6 Stunden Ausbildung.</p>
response	<p><i>Noted</i></p> <p>The Agency does not consider your proposal to add an experience requirement before the applicant can start the training in the case of paragraph (a). The requirements in the proposal follows JAR-FCL, and the Agency sees no benefit in changing them. In any case, it is important to note that it is up to the instructor/ATO to decide if an applicant is able to start/continue with the training. As for your proposal to change the training requirements to 6 hours, the Agency again sees no benefit in changing the system already established by JAR-FCL.</p>
comment	<p><b>1984</b> <span style="float: right;">comment by: <i>Volker Reichl</i></span></p> <p>Cost impact: There should exist a cross facilitation between night requirements for gliders and airplanes: It only should be necessary to conduce 5 hours of dual instruction on airplanes OR sailplanes because of the additional costs and the lack of additional required skills for gliders or airplanes.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 924 above.</p> <p>As the night rating for sailplane pilots will be deleted no new requirement for the crediting has to be introduced.</p>
comment	<p><b>2018</b> <span style="float: right;">comment by: <i>Swiss Pilot School Asociation</i></span></p> <p>Proposal: (a) Aeroplanes, touring motor gliders, airships. If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, applicants shall complete at least 5 additional hours of flight time in the appropriate aircraft category at night, comprising 3 hours of dual instruction, including at least 1 hour of crosscountry navigation under VFR conditions and at least 10 takeoffs and landings under VFR conditions and 5 solo takeoffs and five solo fullstop landings (+). If the night rating is combined with an instrument rating 2 hours night time can be counted under instrument flight rules. (++) Advantage: (+) Training efficiency is better if the landings are done with instructor as it is possible to give the students inputs. Today solo circuits are just done. The instructor has no possibilities for interventions and quality control.</p>
response	<p><i>Not accepted</i></p> <p>The Agency follows closely paragraph JAR-FCL 1.125(c) and paragraph JAR-</p>

FCL 2.125(c) for the night rating. At this stage, the Agency sees no benefit in changing this system.

comment

2050

comment by: *Thomas SIEWERT*

FCL.810 Night rating

Diese Kommentierung erfolgt aus meiner Sicht als Motorfluglehrer JAR-FCL mit Lehrberechtigung für NVFR

Die Bestimmung unter (a) sieht vor, dass der Inhaber einer LPL oder PPL mit den geforderten Ausbildungsinhalten eine Nachtflugberechtigung erhalten kann.

Eine Mindestanforderung an die vor Beginn der Ausbildung zu erbringende Flugstundenzahl ist nicht gefordert.

Angesichts der Tatsache, dass NVFR-Verkehr durch die Flugsicherung (RADAR) praktisch wie IFR-Verkehr behandelt und geführt wird, halte ich es für ein Sicherheitsrisiko für den übrigen Verkehr (insbesondere in höher frequentierten Lufträumen) und ganz besonders für den unerfahrenen NVFR-Piloten auf eine fliegerische Grunderfahrung bei NVFR zu verzichten. Insbesondere schien mir hier das Konstrukt aus vergangenen LuftPersV-Tagen durchaus sinnvoll. Dabei hatte der Inhaber eines „Grund-PPL“ (mindestens 40 Flugstunden) zunächst 60 Stunden nach Scheinerhalt zu fliegen, erst dann konnte er die CVFR-Berechtigung erwerben die wiederum Bedingung für den Erhalt der Nachtflugberechtigung war. Also mindestens 105 Stunden bis zum Erhalt der NVFR-Berechtigung. Nach der Vorlage könnte dies in weniger als der Hälfte (50 Stunden, im Fall einer LPL sogar nach 40!) „abgehandelt“ werden. - Bedenklich, da Piloten ohne ein Mindestmaß an Flugerfahrung i. d. R. bei der Funknavigation und der Orientierung bei Nacht in der Nähe eines fremden Zielflugplatzes überfordert sind.

Daher halte ich folgende Ergänzung der Nr. (a) für sinnvoll:

Der Bewerber soll vor Ausbildungsbeginn eine Mindestflugzeit nach Lizenzerhalt von 50 Stunden, davon 20 Stunden Überlandflug, nachweisen können.

Weiterhin sollte im Rahmen der Ausbildung mindestens EIN Überlandflug mit Landung an einem mind. 50 km entfernten Flugplatz durchgeführt werden.

response

*Partially accepted*

Regarding your proposals to add in subparagraph (a):

- a prerequisite of 50 hours after licence issue;
- during the training for the rating, a 50km cross country flight,

the Agency has followed the system established by JAR-FCL (see paragraph JAR-FCL 1.125(c) and paragraph JAR-FCL 2.125(c)).

The second requirement in your proposal will be taken over after this was agreed in the Review group. The text in subparagraph (a) will be amended accordingly and there the requirement will be added: during the night training a 50 km dual cross-country flight.

comment

2147

comment by: *Nigel Roche*

As paragraph (a) states for aeroplanes, touring motor gliders and airships that both PPL and LPL holders can gain a night rating, it would seem that Paragraph (b) precludes LPL (H) holders from gaining a night rating as they are not listed.

response	<p>Is this intentional or an oversight.</p> <p><i>Noted</i></p> <p>Thank you for your comment. This was an oversight. The text of paragraph (b) will be amended to include the LPL.</p>
comment	<p>2573 <span style="float: right;">comment by: <i>CAA Belgium</i></span></p> <p>§(b)(2)(iii) Replace (iii) as follows: (iii) 5 hrs of flight time AT NIGHT including at least 3 hrs of dual instruction INCLUDING AT LEAST 1 HR OF CROSS COUNTRY NAVIGATION and 5 solo night circuits. Each circuit shall include a take off and a landing. Reason: to be in conformity with a) FCL 810 (a) - page 42 b) Appendix 3 Chapter H, §9(e)- page 91 c) Appendix 3, Chapter I, §10 – page 92</p>
response	<p><i>Accepted</i></p> <p>Your proposal to precise that the 5 hours of flight time are to be done 'at night' is accepted. The Agency will also insert the requirement 'including at least 1 hour of cross-country navigation', like you suggest. In this way paragraph (b)(2)(iii) will be in line with paragraph (a).</p>
comment	<p>2758 <span style="float: right;">comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></span></p> <p>FFA supports the proposed requirements which are stemmed from the JAR FCL, although it considers them as a minimum.</p>
response	<p><i>Noted</i></p> <p>Thank you for your support.</p>
comment	<p>2923 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span></p> <p>(b)(2)(iii) Replace (iii) as follows: (iii) 5 hrs of flight time <b>at night</b> including at least 3 hrs of dual instruction <b>including at least 1 hr of cross country navigation</b> and 5 solo night circuits. Each circuit shall include a take off and a landing. Justification: To be in conformity with a) FCL 810 (a) - page 42 b) Appendix 3 Chapter H, §9(e)- page 91 c) Appendix 3, Chapter I, §10 – page 92</p>
response	<p><i>Accepted</i></p> <p>Thank you for your comment.</p> <p>Please see the reply to comment 2573 above.</p>

comment	2950	comment by: <i>FEDERATION FRANCAISE D'AEROSTATION</i>
	<p><b>FCL810 : Vol de nuit.</b>  Il y a ambigüité sur le temps de vol car il n'est pas précisé le temps de vol de nuit. Nous proposons la rédaction suivante <b>2 vols d'instruction d'au moins 1 heure de nuit chacun.</b></p>	
response	<p><i>Accepted</i></p> <p>Thank you for your comment.</p> <p>The text of paragraph (d) will be amended accordingly to read as follows: '... 2 instruction flights at night of at least one hour each'.</p>	
comment	2966	comment by: <i>BMVBS (German Ministry of Transport)</i>
	<p>(c) A night rating for sailplanes should not exist. The number of pilots who would hold and use such a rating is extremely small. The risks associated with night operation of sailplanes can best be mitigated by not permitting it in the first place. It is insufficient to restrict the privileges of the rating merely to one airport. The risks are still substantial and depend on the specific circumstances at the respective airfield. Minimum conditions for illumination of the airfield would be only one factor that needs to be looked at.</p>	
response	<p><i>Noted</i></p> <p>Please see the reply to comment 924 above.</p>	
comment	3201	comment by: <i>Susana Nogueira</i>
	<p>(b)(2)(iii) New wording:  5 hours of flight time <b>at night</b> including at least 3 hrs of dual instruction <b>including at least 1 hr of cross country navigation</b> and 5 solo night circuits. Each circuit shall include a take off and a landing.</p> <p>Justification: To be in conformity with FCL 810(a); Appendix 3 chapter H, paragraph 9(e) and Appendix 3, chapter I, para 10.</p>	
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 2573 above.</p>	
comment	3263	comment by: <i>Matthias Heine</i>
	<p>Auf die Beschränkung auf Start und Landung am selben Platz sollte verzichtet werden. Segelflug bei Nacht ist sinnvoll, um eine Rückkehr zum eigenen Platz, z.B. nach einer Außenlandung auf einem fremden Platz zu ermöglichen.</p>	
response	<p><i>Noted</i></p> <p>Please see the reply to comment 924 above.</p>	
comment	3310	comment by: <i>DGAC FRANCE</i>
	<p>FCL 810 (a)  The LPL training doesn't content the basic instrument flight training which is</p>	

important to follow in good conditions the night training.

(a) *Aeroplanes, touring motor gliders, airship.* If the privileges of a LPL or a PPL for.....  
 .....and five solo full-stop landings. **Before completing the night training, LPL holders shall have completed the basic instrument flight training required for the issue of the PPL.**

response *Accepted*

Thank you for your comment.  
 The text of paragraph (a) will be amended accordingly.

comment **3317** comment by: *john daly*

VFR is a set of rules, not a set of conditions. It is suggested that "VFR conditions at night" is substituted by "VMC at night" throughout. In the UK, there is no such thing as VFR at night: it is either IFR or SVFR. Also, see my comment relating to FCL.600.

response *Noted*

The Agency is of the opinion that the phrase 'VFR conditions at night' is the right phrase and should not be substituted by 'VMC at night'.  
 These flights have to follow VFR 'rules', which implies that that you have VMC conditions to fly VFR.

comment **3332** comment by: *DGAC FRANCE*

FCL 810

The presentation of the requirements for each category should be the same to facilitate the understanding  
 This paragraph needs to be reviewed to give more consistency to the requirements for the different categories of aircraft.

response *Noted*

Please see the reply to comment 2573 above.

comment **3333** comment by: *DGAC FRANCE*

FCL 810 (d)

It is more important to precise the duration **by night** of these flights than the total duration.

(d) Ballons . If the privileges.....two instruction flights **of at least 1hour by night each.** ~~with take off during the night , with an average flight time of 90 minutes each~~

response *Accepted*

Please see the reply to comment 2950 above.

comment **3411** comment by: *NACA*

**FCL.810 - GENERAL REMARKS**

1. The differences between the requirements for a night rating aeroplanes and helicopters indicate a remarkable lack of understanding the specifics of flying one category compared to the other. One could even wonder if there was any consultation between "both worlds" before literally copying the JAR-FCL text without realising the inconsistencies and safety aspects involved.
2. Contrary to helicopters the night rating in a LPL(A) or PPL(A) does **not** require:
  - § 5 hours theoretical knowledge instruction
  - § 10 hours dual instrument instruction time
  - § completion of at least 100 hours after the issue of the licence
3. Contrary to helicopters LPL(A) and PPL(A) pilots did **not** receive any instrument flying instruction during their training course.
4. Consequently it is possible for very inexperienced LPL(A) and PPL(A) pilots (without any previous instrument flying training or extra required flying hours) to receive a night rating in their licence. Needless to say that this could easily lead to dangerous and unsafe situations.
5. Having many years experience in ab-initio flight training in both aircraft categories we can say that, apart from the obvious flight-technical aspects, there is hardly any difference in difficulty between both night flying operations. In our opinion flying at night (under VFR) in helicopters is even slightly easier and less demanding for a student.
6. To avoid future dangerous situations and to increase flight safety we suggest to amend the requirements for a night rating in a LPL(A) or PPL(A).

**FCL.810 (b) (1)**

1. In view of in total 15 hours instrument instruction (5 PPL+ 10 night rating) the requirement for 100 hours flight time after PPL(H) issue should either be removed or amended to a more reasonable level (for example 75 hours total flight time including the PPL course).

**FCL.810 (b) (2) (iii)**

1. In view of FCL.810 (a) and AMC to FCL.810 (exercise 6) at least 1 hour cross-country flying should be added.

**FCL.810**

1. Apart from FCL.060 (b) (2) there is no mention of any limit to the validity of a night rating. If the rating has lapsed for many years compliance to FCL.060 is probably insufficient to insure safe operations. Suggest to add a maximum permitted laps period.

response *Noted*

1. In relation to your proposal to amend FCL.810(b)(1):  
It is true that there is a difference between the night rating training for aeroplanes and helicopters coming from JAR-FCL. At the time the Agency was drafting this NPA, the idea of harmonizing the requirements for aeroplanes and helicopters was discussed, but in the end it was decided to keep the JAR-FCL system.

It is possible that this could be amended in the future, but it will have to be the

subject of a specific rulemaking task.

2. In relation to your proposal to amend FCL.810(b)(2)(iii):  
Please see the reply to comment 2573 above.

3. In relation to your last comment concerning the validity of the night rating:  
Please see the first part of the reply to comment 1074 above.

comment 3579

comment by: *Swiss Power Flight Union*

Proposal:

(a) Aeroplanes, touring motor gliders, airships. If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, applicants shall complete at least 5 additional hours of flight time in the appropriate aircraft category at night, comprising 3 hours of dual instruction, including at least 1 hour of crosscountry navigation under VFR conditions and at least 10 takeoffs and landings under VFR conditions and 5 solo takeoffs and five solo fullstop landings (+). If the night rating is combined with an instrument rating 2 hours night time can be counted under instrument flight rules. (++)

Advantage:

(+)

Training efficiency is better if the landings are done with instructor as it is possible to give the students inputs.

Today solo circuits are just done. The instructor has no possibilities for interventions and quality control.

response

*Not accepted*

Please see the reply to comment 2018 above.

comment

3595

comment by: *Axel Ockelmann + Manfred Poggensee Commercial Balloon Operators Germany*

Attachment [#41](#)

**FCL.810. (d) Night rating hot air balloons**

Unfortunately there are no conditions mentioned for tethered flights at night.  
*(Unfortunately in the OPS also tethered flights at night are not mentioned - we will commend that later)*

Somebody with a (new created) tethered flight rating should show a prof check that he is able to perform such an operation.

In case of night rating for hot air airships 2 short circuits should be sufficient.  
*(Unfortunately OPS has not in mind that landing at night with hotair airships are possible)*

response

*Noted*

The Agency considers that there is no need to define 'flight conditions' in Part FCL. Tethered flights can be conducted with a BPL or LPL and if they should be done at night the pilot needs the night rating. There is no specific tethered flight rating envisaged and the Agency does not see the need for a specific proficiency check.

comment

3726

comment by: *Klaus HARTMANN*

1. Zur eindeutigen Klarstellung sollte es statt '...two instruction flights with takeoff...'  
 heißen : '....two instruction flights with FI with takeoff.....'  
 Das hilft, im Luftrecht unerfahrenen Lesern, Mißverständnisse zu vermeiden da auch im bisherigen deutschen Luftrecht solche Fahrten vorgeschrieben sind aber dafür keine Lehrberechtigung erforderlich war sondern nur die entsprechende Lizenz mit night rating.

2. '.....with an average flight time of 90 minutes each.' Hier war wahrscheinlich average aber nicht each gemeint.

3. Das night rating für Ballone sollte unbedingt erhalten bleiben:

a) Gasballone sind dank ihrer technischen Weiterentwicklungen nun in der Lage Fahrten durchzuführen die über mehrere Tage und Nächte andauern. Dies hat bisher zu keinen Problemen geführt, obwohl z.B. in Deutschland keine Ausbildungsfahrten mit FI vorgeschrieben sind. Wichtige internationale Gasballonwettfahrten würden unter Ausschluß der europäischen Gasballonpiloten außerhalb Europas stattfinden müssen, wenn das night rating nicht erhalten bleibt.

b) Bei Fahrten mit Heißluftballonen wird die Sicherheit erhöht, wenn, besonders im Sommer bei Wetterlagen mit frühem Thermikbeginn, die Fahrten zeitlich etwas vorverlegt werden. Der Start kann dann problemlos bei beginnender Helligkeit durchgeführt werden, obwohl per Definition noch Nacht ist.

response

*Partially accepted*

Thank you for providing your comment.

Regarding your first proposal to add '...with FI...', the Agency would like to highlight that flight instruction in the future system under Part FCL will be always provided by certified instructors (in this case LAFI or FI) as required by the Basic Regulation ((EC) No 216/2008). For all the ratings contained in Subpart I only instructors will be allowed to provide the required training. Please check the definitions provided in FCL.010 (e.g. 'dual instruction time') and the general requirements for flight instruction in FCL.900. In order to clarify this issue the Agency will change the text in FCL.810 in order to read: '2 dual instruction flights at night of at least one hour each'.

Based on several other comments received on the required flight time the issue mentioned in your second comment will be clarified as the future wording will be: 'at least one hour each'.

Regarding your third comment, the Agency agrees in total and will introduce this rating with the future licensing requirements.

comment

4028

comment by: Cary Crawley

The requirements for night rating in balloons seem entirely adequate and appropriate.

response

*Noted*

Thank you for your positive feedback.

However, based on the comments received the Agency decided to modify this

requirement slightly. Please see the resulting text and the responses provided in this segment.

comment 4266 comment by: *Graham Morris*

Regarding (c), I regard it as extremely bizarre that provision has been made to permit Sailplane pilots to operate at night, an activity that has hardly ever been indulged in and is an uninsurable activity in most countries, whilst a Cloud Flying/Instrument Rating has been overlooked.  
I fear this demonstrates a serious lack of understanding of the real world!

response *Noted*

Please see the reply to comment 924 above.

comment 4916 comment by: *Chris Gowers*

FCL.810 Night Rating Para (a). Last sentence. Delete "full stop".  
Unnecessary requirement. Touch and go landings are demanding enough to meet the training requirement and facilitate ease of completion of this requirement at training schools.

response *Not accepted*

The Agency follows closely paragraph JAR-FCL 1.125(c), which already required five solo full-stop landings. The Agency sees no reason to change this requirement at this time.

comment 4994 comment by: *ECA- European Cockpit Association*

Comment: change text as follows:

(a) Aeroplanes, touring motor gliders, airships. If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, applicants shall complete at least 5 additional hours of flight time in the appropriate aircraft category at night, comprising 3 hours of dual instruction, including at least 1 hour of crosscountry navigation and 5 solo takeoffs and five solo fullstop landings.

Justification:

This paragraph seems to allow a LPL to fly at night. This license is intended for recreational flight. Giving privileges that are from another license (PPL) is not a good idea. ECA cannot agree on the whole picture for LPLs. This was not the initial intention when creating this license. Indeed, this license is not ICAO compliant, we therefore have to be careful on what privileges we give them. Besides, ECA does not understand why there is a difference between a LAL A and H, so that the H cannot (in good logic) fly at night.

response *Noted*

The Agency cannot agree with your proposal to exclude the LPL from flying at night, as long as they hold the related night rating, which ensures that they are adequately qualified.

However, based on the comments received, the Agency has decided to include an additional requirement for holders of an LPL (A), that they need to complete

the basic instrument flight module of the PPL.

As for the LPL(H) being excluded, this was an oversight when drafting the text. It will now be corrected.

Please see replies to comments 3310 and 2147 above.

comment 5027 comment by: *Prof. Dr. Alexander Bubenik*

FCL.810 (c) (4) An applicant who holds an IR in aeroplanes shall be considered as competent if he/she has acted as pilot-in-command in sailplanes and powered sailplanes at least 50 hours after the issue of the licence.

response *Noted*

Please see the reply to comment 924 above.

comment 5126 comment by: *Allen A.*

Segelflugzeuge: Um einen Rückschlepp eines Segelflugzeuges zu seinem Heimatplatz bei Nacht zu ermöglichen, sollte der Passus (c)(3) gestrichen werden.

response *Noted*

Please see the reply to comment 924 above.

comment 5265 comment by: *CAA Belgium*

FCL 810 (a)

The LPL training doesn't content the basic instrument flight training which is important to follow in good conditions the night training.

(a)

*Aeroplanes, touring motor gliders, airship.* If the privileges of a LPL or a PPL for.....

.....and five solo full-stop landings.

***Before completing the night training, LPL holders shall have completed the basic instrument flight training required for the issue of the PPL.***

response *Accepted*

Please see the reply to comment 3310 above.

comment 5266 comment by: *CAA Belgium*

FCL 810

The presentation of the requirements for each category should be the same to facilitate the understanding This paragraph needs to be reviewed to give more consistency to the requirements for the different categories of aircraft.

response *Noted*

Please see the reply to comment 2573 above.

comment 5385 comment by: *Aerovision*

VFR at night does not exist in the UK. So how is it possible to legally undertake

	<p>night balloon flights? Will the Night Rating be added to the licence by the NAA, or just signed off by the Instructor?</p>
response	<p><i>Noted</i></p> <p>In relation to the first part of your comment, it must be stated that this rating will be introduced for all Member States. If a certain Member State based on airspace restrictions or national law does not allow certain activities or operations (like mentioned in your comment: Night VFR), the licence holder will not be able to either apply for such a rating nor exercise these night related privileges if the night rating is hold.</p> <p>In relation to the last part of your comment on the endorsement of the night rating, please see the reply to comment 1074 above.</p>
comment	<p>5528 <span style="float: right;">comment by: <i>Ted Moore</i></span></p> <p>Night ratings are often acquired by pilots attending certain balloon meets and a flight with an experienced pilot with the rating would be more beneficial than a flight with an instructor that may not have the local knowledge.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your opinion and the proposal to allow licence holders to provide flight training without holding an instructor certificate.</p> <p>However, the Agency will not change the requirement as the Basic Regulation requires that only certified instructors should be allowed to conduct flight training.</p> <p>The justification provided has to be questioned because the Agency does not understand why specific local knowledge should be necessary to provide flight instruction at night.</p>
comment	<p>5735 <span style="float: right;">comment by: <i>UK CAA</i></span></p> <p><b>Paragraph: FCL.810</b>  <b>Page No: 43</b>  <b>Comment:</b> Night rating applicants should be aware that they need satisfactory colour vision.  <b>Justification:</b> Night rating applicants shall have satisfactory colour vision.  <b>Proposed Text: (if applicable)</b>  Add '(e) Applicants for a night rating shall meet the colour vision requirements of MED.B.070 or, in the case of the LPL, AMC to MED.B.090, 7.5'</p>
response	<p><i>Not accepted</i></p> <p>All the medical requirements can be found in Part Medical. There is no need to make a reference to them in Part-FCL. Pilots need to be aware that they need to comply with Part-Medical too.</p>
comment	<p>5759 <span style="float: right;">comment by: <i>Susana Nogueira</i></span></p> <p>Modify paragraph (a):  Delete (a)</p>

*Aeroplanes, touring motor gliders, airships.* If the privileges of a LPL or a PPL for aeroplanes, touring motor gliders or airships are to be exercised in VFR conditions at night, the applicant shall have:

(1) Completed training course at an approved training organisation. Training will be completed within a period of six months and comprise:

(i) 5 hours of theoretical knowledge instruction;

(ii) 5 hours of flight time in the appropriate aircraft category at night, including at least 3 hours of dual instruction of which at least 1 hour of cross-country navigation and 10 solo take-offs and landings.

(b) To other different paragraph  
FCL 810(H) Night Rating

response *Noted*

Please see the reply to comment 2573 above.

comment **5768**

comment by: *Susana Nogueira*

New paragraph:

**FCL 810 (H) Night Rating**

(The same text as in (b) actual FCL 810) modifying:

Delete (b)

(ii) 10 hours of helicopter dual instrument instruction time (**simulated IMC day or night**); and

(iii) 5 hours of flight time **at night**, including at least 3 hours of dual instruction and 5 solo **night** circuits. Each ...

response *Partially accepted*

1. To your first comment to add 'simulated IMC day or night':

Not accepted. The Agency follows closely the text of JAR-FCL, and cannot see the benefit in adding the text as proposed.

2. To your second comment adding the wording 'at night':

Accepted. The text will be amended accordingly.

Please see the reply to comment 2573 above.

comment **5980**

comment by: *CFAC, ZHAW*

**Night flying privilege**

**a) Starting position**

Classification of Night Flying in legal documentation.

In ICAO Annex 1 under 2.3.2.2 and 2.4.2.2 Night Flying is classified as a privilege.

In NPA 17 b for EASA-FCL Subpart I, Additional Ratings, Head line for FCL810, Night flying is classified as a rating.

**b) Considerations**

The main difference between a privilege and a rating is; The privilege is maintained with training, the rating has to be confirmed with regular Proficiency Checks.

A change of the classification Night Flying from privilege to rating had to be

qualified as a substantial change in the ICAO licencing system. Therefore, in case of a change from privilege to rating, all ICAO Member States implementing EASA-FCL had to inform the ICAO Council about this derogation in accordance with Art. 38 of the Chicago Convention.

### c) Proposal

EASA-FCL 810:

Change Headline **Night rating** from rating to **Privileges for Night Flying**.

response *Not accepted*

The Agency will keep the term 'night rating' because this is line with the definition of 'rating' in paragraph 3, under I, of the Basic Regulation (EC) No 216/2008.

The definition is: (I) 'rating' shall mean a statement entered on a licence, setting forth privileges, special conditions or limitations pertaining thereto.

comment

6249

comment by: *Christoph Talle*

As an comercial pilot i have a lot of night flights in aeroplanes, but no experience in night flying with gliders. But one of the most problems by night is the landing ! So I can`t understand why there are no solo night flight are asked for glider pilots ?

For clearness: a night rating for aeroplane must be valid for TMG and reverse.

response

*Noted*

Please see replies to comments 924 and 803 above.

comment

6417

comment by: *DCAA*

FCL.810 (a) The 5 hours additional flight training for night rating shall be conducted VFR.

Comments; With the present wording it is possible to conduct the night training IFR. This means that the whole training could be done in clouds

response

*Not accepted*

The Agency follwows closely the text of JAR-FCL 1.125(c), and sees no reason to change it at this stage.

comment

6464

comment by: *CAA Finland*

FCL.810:

New text for harmonization with helicopters:

*Aeroplanes, touring motor gliders, airships.* If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, the applicant shall have:

(1) completed a training course at an approved training organisation. The course shall be completed within a period of 6 months and comprise:

(i) 5 hours of theoretical knowledge instruction;

(ii) 5 hours of flight time in the appropriate aircraft category at

response	<p>night, including at least 3 hours of dual instruction of which at least 1 hour of cross-country navigation and 10 solo takeoffs and landings.</p> <p><i>Noted</i></p> <p>Please see the reply to comment 5759 above.</p>
comment	<p>6465 <span style="float: right;">comment by: CAA Finland</span></p> <p>FCL.810(b):          Renumber as FCL.810.A and FCL.810.H and amended text proposal for current FCL.810(b)(2)(ii) and (iii):</p> <p><b>FCL.810.H Night rating</b>          (ii) 10 hours of helicopter dual instrument instruction time (<b>simulated IMC day or night</b>); and          (iii) 5 hours of flight time <b>at night</b>, including at least 3 hours of dual instruction and <b>10</b> solo night circuits. Each circuit shall include a takeoff and a landing.</p> <p><i>Partially accepted</i></p> <p>Please see the reply to comment 5768 above.</p>
comment	<p>6511 <span style="float: right;">comment by: Austro Control GmbH</span></p> <p>Comment:          To exercise the privilege of a night rating in an aeroplane, TMG or airship it is necessary to have an extended knowledge in radio navigation and to operate an aircraft solely with reference to instruments.</p> <p>Proposed Text:          (a) <i>Aeroplanes, touring motor gliders, airships</i>. If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, applicants shall complete at least 5 additional hours of flight time in the appropriate aircraft category at night, comprising <b>4</b> hours of dual instruction, including at least 1 hour of cross-country navigation <b>using visual references and with reference to instruments, 1 hour of cross-country navigation using dead reckoning, at least 2 hours of cross-country navigation using radio navigation aids</b> and 5 solo takeoffs and five solo full-stop landings;</p> <p><i>Noted</i></p> <p>The Agency follows closely paragraph JAR-FCL 1.125(c).          At this point, the Agency sees no reason to change the requirements in the way that you propose.</p> <p>It is possible that this could be amended in the future, but it will have to be the subject of a specific rulemaking task.</p>
comment	<p>6563 <span style="float: right;">comment by: Michael GREINER</span></p> <p>Dear Sirs and Madams,          I do not want to speak ill of somebody else's suggestions or restrict anybody's</p>

	<p>new liberty. Night flying with sailplanes has already been made in the thirties or so. This regulation might lead to new world records for out and return distances in the waves. It just makes no sense to me to extinct cloud flying while installing night flying with sailplanes.</p> <p>Kind regards, Michael Greiner</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 924 above.</p>
comment	<p>6581 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span></p> <p>The LAA accepts the requirements which originate from the JAR FCL, although it considers them as a minimum.</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback.</p>
comment	<p>6749 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <p>Provision should be completed following JAR-FCL (see the last sentence of provision c) JAR-FCL 1.125) by the requirement that the qualification NIGHT has to be endorsed on PPL.</p>
response	<p><i>Noted</i></p> <p>Please see the third part of the reply to comment 1074 above.</p>
comment	<p>6751 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <p>FCL.810 (b)(2)(iii) For clarity of interpretation we recommend to add "at night" to the requirement for 5 hours according to FCL.810(a) and FCL.810(c)(2) as follows: "5 hours of flight time <b>at night</b>, including..."</p>
response	<p><i>Accepted</i></p> <p>Please see the reply to comment 2573 above.</p>
comment	<p>6753 <span style="float: right;">comment by: <i>CAA CZ</i></span></p> <p>FCL.810(c)(3) The provision should be clarified – Does it mean that the pilot will have to complete 5 hours of training for each new airport that will he/she want to use for flights at night or is it required to land at the airport of take-off for each flight?</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 924 above.</p>
comment	<p>7044 <span style="float: right;">comment by: <i>CAA Norway</i></span></p> <p>FCL.810(b)(2)(iii) Does not specify that the 5 hours of flight time shall be at night.</p>
response	<p><i>Accepted</i></p>

Please see the reply to comment 2573 above.

comment 7266 comment by: *Aero-Club of Switzerland*

Proposal:

(a) Aeroplanes, touring motor gliders, airships. If the privileges of a LPL or a PPL for aeroplanes, touring motor glider or airships are to be exercised in VFR conditions at night, applicants shall complete at least 5 additional hours of flight time in the appropriate aircraft category at night, comprising 3 hours of dual instruction, including at least 1 hour of crosscountry navigation under VFR conditions and at least 10 takeoffs and landings under VFR conditions and 5 solo takeoffs and five solo fullstop landings (+). If the night rating is combined with an instrument rating 2 hours night time can be counted under instrument flight rules. (++)

Advantage:

(+)

Training efficiency is better if the landings are done with instructor as it is possible to give the students inputs.

Today solo circuits are simply flown by the applicant, but the instructor has no possibilities for interventions and quality control.

response *Not accepted*

Please see the reply above to comment 2018.

comment 7305 comment by: *trevor sexton*

Night Flying.

Definition of Night VFR..

There is no set definition in europe of Night fling VFR..

Each country/NAAs seems to have there own set of rules..

Also some counties/NAAs allow night flying on on Annex 2 and microlights.

response *Noted*

1. In relation to your first comment that there is no definition of night VFR: Please see the reply to comment 3317 above.

2. In relation to your second comment about the Annex 2 aircraft and microlights: Thank you for the feedback.

comment 7444 comment by: *Holger Scheibel*

Das night rating für Ballone muss unbedingt erhalten bleiben!

1. Zur eindeutigen Klarstellung sollte es statt '...two instruction flights with takeoff...' heißen : '....two instruction flights with FI with takeoff....'

Das hilft, im Luftrecht unerfahrenen Lesern, Mißverständnisse zu vermeiden da auch im bisherigen deutschen Luftrecht solche Fahrten vorgeschrieben sind aber dafür keine Lehrberechtigung erforderlich war sondern nur die entsprechende Lizenz mit night rating.

2. '....with an average flight time of 90 minutes each.' Hier war wahrscheinlich average aber nicht each gemeint.

response *Noted*

Please see the reply to comment 3726 above.

comment 7458 comment by: *Prof. Dr. Alexander Bubenik*

FCL.80X General Remark: A night rating for sailplane has been defined and the previous german "Wolkenflugberechtigung" (in cloud operation rating) disappeared. I would still like to have that kind of rating according to §85 LuftPersV (Germany).

response *Noted*

Please see the reply to comment 924 above.

comment 7754 comment by: *Christophe Saeyes*

Minimum flight time of 90' each, NOT average.

response *Noted*

Please see replies to comments 2950 and 3333 above.

comment 7807 comment by: *Matthias SIEBER*

Sollte das Nightrating unmittelbar nach Scheinerwerb LPL bzw. PPL möglich sein, sind das zu geringe Eingangsvoraussetzungen. Nach dem Schienrhalt sollten die jungen Piloten erst am tag Erfahrungen sammeln, bevor sie mit dem Nachtflugtraining anfangen. Das gewöhnen an die Maschine und das Verhalten in schwierigen Situationen am Tag zu festigen und dann bei Nacht umzusetzen ist sinnvoller und nicht so riskant.

response *Noted*

Please see replies to comments 1881 and 4994 above.

comment 7975 comment by: *Dr. Christoph Larisch*

Segelflug bei Nacht dürfte die große Ausnahme bleiben. Die Beschränkung auf Start und Landung am selben Platz führt aber dazu, daß die Rückkehr zum eigenen Platz, etwa nach einer Außenlandung auf einem fremden Platz, unmöglich würde.

response *Noted*

Please see the reply to comment 924 above.

comment 8071 comment by: *Ingo Wiebelitz*

FLC.810  
(c) (1)(2)(3) Volle Zustimmung!

response *Noted*

Thank you for your feedback.

Please see the reply to comment 924 above.

comment	8074	comment by: <i>Ingo Wiebelitz</i>
	Das Wolkenflug-Rating für Segelflug fehlt und soll ergänzt werden!	
response	<i>Noted</i>	
	It was already indicated in NPA 2008-17a that the issue of cloud flying with sailplanes is currently being discussed in a separate Rulemaking task: FCL.008. The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the Cloud Flying Rating will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.	
comment	8076	comment by: <i>Ingo Wiebelitz</i>
	Das Wolkenflug-Rating fehlt und soll ergänzt werden!	
response	<i>Noted</i>	
	Please see the reply to comment 8074 above.	
comment	8285	comment by: <i>Paul Mc G</i>
	The requirements which originate from the JAR FCL, are a minimum and should be more tightly tied to a PPL IR as a pilot development scheme for upskilling.	
response	<i>Noted</i>	
	Thank you for your feedback.	

**B. Draft Opinion Part-FCL — Subpart I: Additional Ratings — FCL.815**  
**Mountain ratings**

p. 43

comment	21	comment by: <i>Marcus Aulfinger</i>
	<p>In my opinion, FCL 815 doesn't make sense for helicopters. There is no need for the terms 'wheel' and 'ski' and no need to define runways as covered with snow or not.</p> <p>My suggestion is to talk to the authorities of countries with such ratings like Switzerland that has a landing permission for helipads over a certain altitude..</p> <p>In every case the description is misleading and it should be specified if helicopters are exempt from this regulation.</p>	
response	<i>Noted</i>	
	<p>Thank you for providing your opinion.</p> <p>After careful review of all the comments received and an assessment based on the input provided by the experts, the Agency decided to introduce this rating only for aeroplane pilots at this stage.</p> <p>The text will be amended in order to clarify that the rating as it is will apply only to aeroplanes.</p> <p>Adequate provisions for helicopters shall be developed at a later stage within a future rulemaking task.</p>	

comment

87

comment by: Lauri KARJALAINEN

Please ad seaplane rating.

FCL.815 Mountain- and Seaplane ratings

(a) *Privileges.* The privileges of the holder of a wheel mountain rating or a ski mountain rating and seaplane rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States. The wheel mountain rating grants the privilege to fly to and from such surfaces when the runway is not covered by snow. The ski mountain rating grants the privilege to fly to and from such surfaces when the runway is covered by snow. The seaplane rating grants the privilege to fly to and from water.

(b) *Training course.* Applicants for a wheel or ski mountain or sea-plane rating shall have completed, within a period of 12 months, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating.

(c) *Skill test.* After the completion of the training, the applicant shall pass a skill test with an FE qualified for this purpose. The skill test shall contain:

- (1) A verbal examination of theoretical knowledge;
- (2) 6 landings on at least two different surfaces designated as requiring a mountain rating other than the surface of departure, with seaplane at least two landings to still water.

(d) *Validity.* A mountain rating shall be valid for a period of 12 months.

(e) *Revalidation.* For revalidation of a mountain rating, the applicant shall:

- (1) have completed at least 3 mountain or sea landings in the past 12 months; or
- (2) pass a proficiency check. The proficiency check shall comply with the requirements in (c).
- (3) For at least every third revalidation the applicant shall comply with the requirements in (2).

(f) *Renewal.* If the rating has lapsed, the applicant shall comply with the requirement in (e)(2).

response

*Not accepted*

The Seaplane rating is regulated in Subpart H, Class and Type Rating in paragraph FCL.725.A (b).

Because the Seaplane rating is regulated in Subpart H, the common requirements concerning the skill test and validity and renewal are applicable.

comment

174

comment by: aero club de beziers

About revalidation of mountain rating I think it going to be very difficult and very expensive to do so .

First there is not a lot of mountain rating FE and most of them are located in the alps all pilotes practicing mountain landing in south massif central in france it is going to very difficult to find a mountain FE every 3 years!

Second if these pilotes have to fly to the alps to find one FE every 3 years to pass the proficiency check it will be the cost of 3 or 4 hours flying time return and this revalidation will be very expensive.

in addition the recent experience of 3 landing by year is a good proposal but it

will be good to make a difference between altiports which are easier than altisurfaces.  
 Also some airfields like LFMG LFTZ or LFCB are not really airfield in a 'mountain condition' but nevertheless the mountain rating is required!  
 I think the proposed text should take into account the different case of mountain airfield and in some cases use mountain FI instead of mountain FE.  
 I will send you later on one proposed text  
 regards  
 ER

response *Noted*

According to paragraph FCL.1000 (1) a holder of an examiner certificate shall hold a licence and rating at least equal to the licence or rating for which they are authorised to conduct skill tests or proficiency checks and the privilege to instruct for this licence or rating. This means that the FE mentioned in paragraph FCL.815(c) holds a mountain rating as well.

As for your proposal that the skill test may be done by an FI, the Agency considers that the text of article 7(5) and 1.j of Annex III to the Basic Regulation establishes that only an examiner can assess the competence/skill of pilots. Therefore, only an examiner can conduct skill tests or proficiency checks.

The Agency is aware about the difference between the difficulty in landing on altisurfaces and altiports. However, it is not always that landing on an altiport is easier than on an altisurface. Sometimes it is the other way around. It is too complicated to make such subtle differences.

comment 192

comment by: *Aero-Club of Switzerland*

First of all we think, that in Europe only pilots/authorities from France, Italy and Switzerland only should be entitled to make statements on this subject.  
 Then: What follows is based on Swiss experience.  
 Please do not create two Mountain ratings, a combined one for skis and wheels is sufficient.  
 Justification: There are combined undercarriages.  
 FCL.815 (a) shall be replaced by: The privileges of the holder of a mountain rating are to conduct flights to and from sloped surfaces which require landings and take-offs in opposite directions. The competent authority of the Member State may designate landing sites and landing areas where a mountain rating is required. The initial mountain rating may be obtained either on wheels or on skis.

(Explanations:

1. The nature of the strips or surfaces is not defined in the original text.
2. Only one single mountain rating makes sense. There are not enough instructors and not enough surfaces to allow for a duplication of the rating.)

Therefore we also propose:

The mountain rating extension wheels grants the privilege to fly to and from such surface when the defined area is not covered with snow.

The mountain rating extension skis grants the privilege to fly to and from such surfaces when the defined area is covered with snow.

FCL.815 (b) shall be replaced by: Applicants for a mountain rating extension wheel or ski shall have completed, within a period of 24 months, a course of theoretical knowledge, instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant extension, and shall include 120 landings for the extension which is initially obtained on dual instruction and under close supervision of a mountain flight instructor.

Justification: 12 months are by far too short. There are not enough instructors. Weather conditions are rapidly changing in mountain areas, so give us sufficient time to become really familiar with the special conditions of mountain flying.

A higher safety level can be maintained/will be reached by a delegation of all Mountain rating matters to the competent national authorities wanting to do so.

Justification: Flatlander-influenced regulation for mountain flying will never be safe, even if the regulation will find a majority.

FCL.815 (c) Additional point: A mountain pilot holding an initial mountain rating on either wheel or ski shall undertake an appropriate additional course of theoretical knowledge, instruction and flight training with a mountain flight instructor to obtain the extension from wheels to skis or vice versa. After a satisfactory completion of this instruction the mountain flight instructor may issue either an additional ski or a wheel endorsement on the existing initial mountain rating.

Justification: 1) There are by far not enough mountain examiners. 2) There do not exist sufficient airstrips in Switzerland in Summer. 3) There are not enough "weather windows" in winter.\$

FCL.815 (d) To be deleted completely.

Justification:

- 1) Our experience made during the last 50 years are the proof that a limited duration makes no sense.
- 2) With our proposed 120 landings during basic training the skill level of the pilots is sufficiently high, no time limit is necessary.
- 3) In accordance with the Italian, the French and the Swiss mountain specialist we oppose firmly to any time restriction.
- 4) A proposed limited duration is not in-line with FCL.800, FCL.805, FCL.810

(f) We want you to delete your proposal!

Justification: For the same reasons as the aforementioned.

Our experienced Glacier and Mountain Pilots write:

The Swiss glacier pilots association represents all 300 Swiss mountain pilots holding a valid mountain flying license. The following comments are made in accordance with all European mountain flying associations, except the French.

This kind of letters means = comments

This kind of letters / color means = text has to be deleted

This kind of letters / color means = replaced or accepted text

### FCL.815

(a) *Privileges*. The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States. Shall be replaced by

(a) *Privileges*. The privileges of the holder of a mountain rating are to conduct flights to and from sloped surfaces which requires landings and take-offs in opposite directions. The appropriate authorities of the Member States may designate landing sites and landing areas on which a mountain rating is required. The initial mountain rating may be obtained either on wheels or ski.

#### *Explanation:*

- 1. Nowhere does the proposed text specify the nature of the strips that would require a mountain rating, nor does it specify the necessities which fit an adequate training site.
- 2. The Italian law "Gex" foresees whole areas for mountain landings and not only exactly defined landing strips. This has in the wording to be taken into account.
- 3. Only one single mountain rating is feasible, with extensions (wheel or ski) to be obtained by a familiarisation.

Reasons: There are by far not enough mountain examiners, not enough mountain flight instructors, not enough airstrips in summer, and not enough weather windows in winter to serve two different ratings.

The Wheel mountain rating grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces when the runway is covered by snow. Shall be replaced by

The mountain rating extension wheels grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The mountain rating extension ski grants the privilege to fly to and from such surfaces when the runway is covered by snow.

(b) Training course. Applicants for a wheel or ski mountain rating shall have completed, within a period of 12 months, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating. To be corrected and amended by:

(b) Training course - Experience requirements (additional points)

Applicants for a mountain rating extension wheel or ski shall have completed, within a period of 24 months, a course of theoretical knowledge, instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant extension, and shall include 120 landings for the extension which is initially obtained on dual instruction and under close supervision of a mountain flight instructor.

#### *Explanation:*

- 1. 12 month for the completion of mountain training is by far too short,

taken in account the limitations by the lack of mountain flight instructors, the lack of airplanes (especially on ski) and the need for appropriate weather especially in wintertime.

- 2. In drastic contrast to other countries experiences the Swiss record shows not a single fatal accident during mountain operations in over 50 years. The main reason for that lays in the Swiss philosophy, to ask generally for much more experience of its mountain pilots and its mountain flying instructors. Currently 250 mountain landings are required before an applicant may be able to perform his mountain flying skill test. To facilitate the acceptance of this approach with other nations, we are willing to reduce the amount to only 120 landings, which is by any means the absolutely minimum for safe basic mountain pilot skills.
- 3. Further more we are completely convinced that a minimum amount of landings has to be defined to make sure, that not inexperienced flatlanders begin to provide, in a hurry up manner, mountain ratings to greedy rating hunters. If this should be the case, those people would not only increase accident rates dramatically, but by doing so, soon endanger the existence of many of the surfaces in France and Italy.

(c) Skill test. After the completion of the training, the applicant shall pass a skill test with an FE qualified for this purpose. The skill test shall contain: OK

(1) A verbal examination of theoretical knowledge: OK

(2) 6 landings on at least two different surfaces designated as requiring a mountain rating other than the surface of departure. OK

(3) Ski or wheel extension Familiarisation (additional paragraph)

A mountain pilot holding an initial mountain rating on either wheel or ski shall undertake an appropriate additional course of theoretical knowledge, instruction and flight training with a mountain flight instructor to require the extension either from wheels to ski or vice-versa. After a satisfactory completion of that instruction (familiarisation) the mountain flight instructor may issue either an additional ski or a wheel endorsement on the existing initial mountain rating extension.

*Explanation:*

Two different mountain ratings are for Switzerland absolutely not practicable (and according to AFPM and AIPM for France and Italy at least not necessary)

- 1. There are by far not enough mountain examiners
- 2. There are by far not enough airstrips in summer
- 3. There are not enough weather windows in winter.

(d) Validity, A mountain rating shall be valid for a period of 12 months. shall be deleted completely !!!

*Explanation:*

- 1. After 50 years of experience with mountain ratings in France, Italy and Switzerland without such a thing, a limited validation is completely unnecessary.
- 2. With the newly requested amount of at least 120 landings during basic training the general skill level of the mountain pilots will be high enough to give up on the revalidation idea completely.
- 3. A revalidation of any kind is due to a lack of examiners neither in France, nor in Switzerland nor in Italy in any way practicable as proposed. In Switzerland the EASA proposal would increase the

examination flights from currently 10 per year to 120 per year. Therefore in full accordance with the AFPM, the AIPM and the EMP we demand to delete the limited validity.

- 4. Maintaining it would amount in a de facto prohibition a any mountain flying with uphill landings.
- 5. Further more a limited validity for the mountain rating would by no means be in accordance with the systematic of all other additional ratings which don't have any limitation to their validity. FCL 800, 805, 810

(f) Renewal. If the rating has lapsed, the applicant shall comply with the requirement in (e)(2).

This shall be completely deleted. Same reasons as mentioned for the validity.

(g) Qualification site (additional paragraph)

The aviation authorities of a Member State may issue a qualification "site" which is bound to a single mountain landing site on which the applicant pilot has received an appropriate instruction and training on dual instruction and under close supervision of a mountain flight instructor in accordance with the AMC stated in AMC No 1 to FCL.815. A pilot may only hold such qualifications for two different sites at a given time. The qualification "site" remains valid for a given site as long as the holder has performed at least 5 landings as pilot in command in the past 12 months. The qualification "site" may be obtained either on wheels or ski.

*Explanation:*

- This paragraph is an very urgent request by the French mountain pilots association AFPM to maintain the current modus operandi on some of the French altiports.
- In in addition, the swiss glacier pilots association SGPV supports the request because it will facilitate the use of our landing site Croix de Coeur.

For Austria this paragraph may be a appropriate tool to facilitate the use of the only temporarily opened Austrians mountain landing sites.

response *Partially accepted*

1. To your first comment about who can comment on this paragraph, the following applies:

The Comment Response Tool (CRT) is a web-based application open to everyone. There is no restriction to persons, organisations, authorities etc., to send comments. At the homepage of the CRT tool is stated clearly: 'The Agency has developed a Comment Response Tool (CRT) that is used to automate the consultation process for Notices of Proposed Amendments (NPA) and Comment-Response Documents (CRD). The CRT allows users to review NPAs and place their comments, and later on to view the CRDs and add their reactions before the publication of the final Decision or Opinion. Registration is required to place comments. All registered users have the possibility to receive notifications whenever a new NPA or CRD is published.'

2. In relation to the issue of having 2 mountain ratings, your proposal to have only one rating, with the possibility to extend the privileges through a familiarisation training is accepted, and the text will be amended accordingly. The only point that cannot be accepted is that the new privileges are endorsed directly by the instructor. This will need to be done by the competent authority.

3. In relation to your comment concerning the period of training course, the Agency understands after consulting mountain experts that the training period of 12 months may be too short. The Agency acknowledges that mountain flying is mostly a leisure activity done during holidays. The Agency will change the period of training into 24 months. However, your suggestion to have 120 landings during the basic training is considered to be too stringent.

4. In relation to the issue of the delegation of all mountain ratings to the competent authority, the following:

The new system is that once the implementing rules are in place Member States will no longer be able to impose additional requirements on pilots and therefore it was considered necessary to take these national rating into account (see Explanatory memorandum to Part-FCL, under Subpart I, number 45, page 28). Based on the input of the Member States implementing rules are developed for mountain rating. To delegate this back to the Member States is not in line with the Basic Regulation.

5. In relation to your comment requesting the deletion of subparagraphs (d), (e) and (f), the following should be highlighted: the Agency considers that there should be a validity period for the mountain rating because of safety reasons. However, after careful review of the comments received on this and an assessment based on the input received by the experts, the Agency has decided to change this period to 24 months. It should be also mentioned that the mandatory proficiency check every third revalidation will be deleted.

6. In relation to your proposal of an additional paragraph (9) concerning qualification site, the Agency has also very carefully reviewed this issue. The Agency is aware that such a site qualification would cause some flexibility for a specific group of pilots operating on only one site but it was decided not to introduce an additional qualification at this stage. The Agency will therefore not take over this proposal. It might be taken up again in connection with the future task dealing with the mountain rating for helicopter operations.

comment

256

comment by: *Heinz LANG*

After a lot of discussions within the international mountain pilots community, we came to the following conclusions:

1) Mountain flying is foremost a matter of experience in a specific mountain region.

2) There are in fact 3 states only where mountain landings are performed, namely France, Italy and Switzerland.

3) The activities with regard to mountain landing in these three states different, in function of topography, altitude and weather. Whereas in France there are a lot of landing sites for wheel landings, this activity is very important for France. In Switzerland, there is one site only for this activity, and therefore a rating for wheel landings doesn't exist in Switzerland. There are 42 defined sites for glacier landings, which is the main activity in Switzerland. These sites are at 10'000ft and above, which is very specific. Therefore there is a requirement for mountaineering experience for this activity, which is not necessary for other mountain landings, e.g. on wheels in lower altitudes.

We therefore are convinced, that it is best to leave the definitions and **requirements for mountain landings** and the appropriate ratings up to the states concerned as **national ratings**.

response

*Noted*

National ratings are not possible anymore under the new system. Once the

implementing rules are in place Member States will no longer be able to impose additional requirements on pilots and therefore it was considered necessary to take these national rating into account (see Explanatory memorandum to Part-FCL, under Subpart I, number 45, page 28). Based on the input of the Member States implementing rules are developed for mountain rating.

comment

376

comment by: REGA

Attachments [#42](#) [#43](#)

**STATEMENT**

- An explicit regulation for an mountain rating helicopter doesn't exist.
- The necessary skill respectevly the content of the training for mountain flying depends of the geographic situation of the mountain environment, i.e.: altitude (density), exposure, charakter (wind). Within Europe the characters and altitudes of mountains are very variable.
- To garantee high safety standards, requirements need to be adaqueate to the demands. The regulation shall definded the content of the syllabus for the mountain rating, like for the CPL(H) flight training (Appendix 3).

**PROPOSAL**

- The boundry between lowland and mountains shall be defined. According Swiss law, the mountains begin at an altitude of 1'100 m/M.
- Switzerland has developed a detailed syllabus for the mountain rating and skill test (see attachement). A pilot has to perform a minimum of 150 landings on 20 different mountain sites, thereof a minimum of 50 landings on 10 differents sites above 2'700 m/M.
- The validity period of the mountain rating shall be 24 months.
- For revaldiation, mountain rated pilots shall pass a flight review every 24 months with a MOU-examiner.

response

*Partially accepted*

Thank you for providing your opinion.

As to you first proposal: In paragraph FCL.815(a) it is defined that the appropriate competent authority designated by the Member States designates the surfaces. There is no need to define the boundary between lowland and mountains here in this paragraph as there might be specific national differences in some of the Member States.

Regarding your second proposal: Thank you for providing this information about the Swiss detailed syllabus for the mountain rating and skill test.

As to your third proposal, the Agency agrees. Please see the reply to comment 192, under 5, above.

Concerning your fourth proposal, the Agency reviewed and evaluated the issue of revalidation again but considers that its current proposal, to have an alternative way of revalidating the rating is adequate. The requirements for the revalidation will be kept as proposed but the validity period will be extended to 24 months.

comment

421

comment by: *European Mountain Pilots*

Comments from the Spanish Mountain Pilots Association (APME), member of the European Mountain Pilots Federation, with contributions from France, Italy, Switzerland and Austria.

**FCL.815 Mountain ratings**

- a) ~~(a) Privileges:~~ *The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member State. The mountain rating may be obtained either on wheels and/or skis.*

**Explanations:** There are not enough mountain flight examiners and not enough mountain flight instructors to satisfy the needs of two separate ratings. Only one single mountain rating is feasible, with extensions (wheels or skis) to be obtained by familiarisation.

response *Noted*

Please see the reply to comment 192, under 2, above.

comment 457

comment by: *European Mountain Pilots*

b) *Training course.* Applicants for a wheel or ski mountain rating shall have completed, ~~within a period of 12 months~~, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating.

**Explanation:**

There should be now time limitation to complete the training. Most applicants take mountain flight lessons while on vacation, if they live far away from the mountain flight training organization, they will have to wait for the next vacation period to continue the training. Other restrictions may come from the weather, especially in wintertime, from the availability of suitable airplanes (especially with skis).

response *Noted*

Please see the reply to comment 192, under 3, above.

comment 458

comment by: *European Mountain Pilots*

(c) *Skill test.*

(2) ~~6~~ Landings on at least ~~two~~ three different surfaces designated as requiring a mountain rating other than the surface of departure. For the mountain rating extensions skis on these three different surfaces should be whenever possible a glacier.

**Explanation:**

The number of landings should be decided by the flight examiner depending on the weather, the number of surfaces available for wheels and/or skis (landing surfaces on glaciers are only available in the Alps, in other mountain ranges like the Pyrenees glaciers are too small or inexistent and there are no landing surfaces designated on glaciers).

response *Not accepted*

Thank you for providing your feedback.

The number of landings during the skill test cannot be left open to the decision of the flight examiner for the simple fact that everybody has to be treated equally. It would not be fair to require one applicant to perform 6 landings and the other applicant to perform only 2 landings. This is not in line with the objective (f) in Article 2 of the Basic Regulation (EC) No 216/2008: 'to provide a level playing field for all actors in the aviation market'. After having reviewed the comments received and based on an assessment of the input received from the experts, the Agency decided to keep this requirement.

The Agency also discussed your proposal to require landings on at least three surfaces but decided to keep the wording used as it might be difficult from some places to reach three different surfaces during the skill test. As the training syllabus will cover already a certain number of different surfaces/sites and the wording used ('at least') will allow the examiner to land on a third surface, the Agency does not see a problem with the wording proposed and will keep the text unchanged.

comment

459

comment by: *European Mountain Pilots*

(d) *Validity and f) Renewal*

**shall be deleted**

**Explanation:**

- 1. A limited validity for the mountain rating would by no means be in accordance with the systematic of all other additional ratings which don't have any limitation to their validity: FCL 800 - Aerobatic rating; 805 - Sailplane and banner towing; 810 - Night rating.
- 2. More than 50 years of experience with mountain ratings without limited validity in France, Italy and Switzerland with excellent safety records, show that such a limitation is not necessary.
- 3. Due to the shortage of mountain rating examiners, it would be impossible to comply with this requisite.

*According to the experience of the three reference countries F, CH and I, safety in mountain flying does not come from the renewal of a licence or rating or from its validity. Safety comes from training, from the attitude mountain instructors transmit to students during training: good basic piloting skills, stay current and proficient, good preflight and planning, to be humble and able to renounce when weather or surface conditions are not optimal.*

response

Noted

Please see the reply to comment 192, under 5, above.

comment

502

comment by: *Swiss glacier pilots association*

The Swiss glacier pilots association represents all 300 Swiss mountain pilots holding a valid mountain flying license. The following comments are made in accordance with all European mountain flying associations, except the French.

This kind of letters means = comments

This kind of letters / color means = text has to be deleted

This kind of letters / color means = replaced or accepted text

**FCL.815**

(a) *Privileges*. The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States. Shall be replaced by

(a) *Privileges*. The privileges of the holder of a mountain rating are to conduct flights to and from sloped surfaces which requires landings and take-offs in opposite directions. The appropriate authorities of the Member States may designate landing sites and landing areas on which a mountain rating is required. The initial mountain rating may be obtained either on wheels or ski.

*Explanation:*

- 1. Nowhere does the proposed text specify the nature of the strips that would require a mountain rating, nor does it specify the necessities which fit an adequate training site.
- 2. The Italian law "Gex" foresees whole areas for mountain landings and not only exactly defined landing strips. This has in the wording to be taken into account.
- 3. Only one single mountain rating is feasible, with extensions (wheel or ski) to be obtained by a familiarisation.

Reasons: There are by far not enough mountain examiners, not enough mountain flight instructors, not enough airstrips in summer, and not enough weather windows in winter to serve two different ratings.

The Wheel mountain rating grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces when the runway is covered by snow. Shall be replaced by

The mountain rating extension wheels grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The mountain rating extension ski grants the privilege to fly to and from such surfaces when the runway is covered by snow.

(b) Training course. Applicants for a wheel or ski mountain rating shall have completed, within a period of 12 months, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating. To be corrected and amended by:

(b) Training course - Experience requirements (additional points)

Applicants for a mountain rating extension wheel or ski shall have completed, within a period of 24 months, a course of theoretical knowledge, instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant extension, and shall include 120 landings for the extension which is initially obtained on dual instruction and under close supervision of a mountain flight instructor.

*Explanation:*

- 1. 12 month for the completion of mountain training is by far too short, taken in account the limitations by the lack of mountain flight instructors, the lack of airplanes (especially on ski) and the need for appropriate weather especially in wintertime.
- 2. In drastic contrast to other countries experiences the Swiss record shows not a single fatal accident during mountain operations in over 50

years. The main reason for that lays in the Swiss philosophy, to ask generally for much more experience of its mountain pilots and its mountain flying instructors. Currently 250 mountain landings are required before an applicant may be able to perform his mountain flying skill test. To facilitate the acceptance of this approach with other nations, we are willing to reduce the amount to only 120 landings, which is by any means the absolut minimum for safe basic mountain pilot skills.

- 3. Further more we are completely convinced that a minimum amount of landings has to be defined to make sure, that not inexperienced flatlanders begin to provide, in a hurry up manner, mountain ratings to greedy rating hunters. If this should be the case, those people would not only increase accident rates dramatically, but by doing so, soon endanger the existence of many of the surfaces in France and Italy.

(c) Skill test. After the completion of the training, the applicant shall pass a skill test with an FE qualified for this purpose. The skill test shall contain: OK

(1) A verbal examination of theoretical knowledge; OK

(2) 6 landings on at least two different surfaces designated as requiring a mountain rating other than the surface of departure. OK

(3) Ski or wheel extension Familiarisation (additional paragraph)

A mountain pilot holding an initial mountain rating on either wheel or ski shall undertake an appropriate additional course of theoretical knowledge, instruction and flight training with a mountain flight instructor to require the extension either from wheels to ski or vice-versa. After a satisfactory completion of that instruction (familiarisation) the mountain flight instructor may issue either an additional ski or a wheel endorsement on the existing initial mountain rating extension.

*Explanation:*

Two different mountain ratings are for Switzerland absolutely not practicable (and according to AFPM and AIPM for France and Italy at least not necessary)

- 1. There are by far not enough mountain examiners
- 2. There are by far not enough airstrips in summer
- 3. There are not enough weather windows in winter.

(d) Validity, A mountain rating shall be valid for a period of 12 months. shall be deleted completely !!!

*Explanation:*

- 1. After 50 years of experience with mountain ratings in France, Italy and Switzerland without such a thing, a limited validation is completely unnecessary.
- 2. With the newly requested amount of at least 120 landings during basic training the general skill level of the mountain pilots will be high enough to give up on the revalidation idea completely.
- 3. A revalidation of any kind is due to a lack of examiners neither in France, nor in Switzerland nor in Italy in any way practicable as proposed. In Switzerland the EASA proposal would increase the examination flights from currently 10 per year to 120 per year. Therefore in full accordance with the AFPM, the AIPM and the EMP we demand to delete the limited validity.
- 4. Maintaining it would amount in a de facto prohibition a any mountain flying with uphill landings.
- 5. Further more a limited validity for the mountain rating would by no

means be in accordance with the systematic of all other additional ratings which don't have any limitation to their validity. FCL 800, 805, 810

(f) Renewal. If the rating has lapsed, the applicant shall comply with the requirement in (e)(2).

This shall be completely deleted. Same reasons as mentioned for the validity.

(g) Qualification site (additional paragraph)

The aviation authorities of a Member State may issue a qualification "site" which is bound to a single mountain landing site on which the applicant pilot has received an appropriate instruction and training on dual instruction and under close supervision of a mountain flight instructor in accordance with the AMC stated in AMC No 1 to FCL.815. A pilot may only hold such qualifications for two different sites at a given time. The qualification "site" remains valid for a given site as long as the holder has performed at least 5 landings as pilot in command in the past 12 months. The qualification "site" may be obtained either on wheels or ski.

*Explanation:*

- This paragraph is an very urgent request by the French mountain pilots association AFPM to maintain the current modus operandi on some of the French altiports.
- In in addition, the swiss glacier pilots association SGPV supports the request because it will facilitate the use of our landing site Croix de Coeur.
- For Austria this paragraph may be a appropriate tool to facilitate the use of the only temporarily opened Austrians mountain landing sites.

response *Partially accepted*

Thank you for providing your opinion.  
Please see the reply to comment 192 above.

comment 519

comment by: FOCA Switzerland

I/FCL.815

Whole paragraph needs to be redone and to differentiate between "**AEROPLANE and HELICOPTER**" mountain landing.

Proposal:

- (a) It is needed to define which categories (aeroplane and helicopter) are included in the mountain rating and also it is necessary to list the specific requirements for each category individually.  
Furthermore there should also be a procedure for crosscredit if a pilot holds the mountain rating for both categories (aeroplane and helicopter).
- It is not the surface of the runway to define whether "Wheel or Ski" is required but if one lands on "Wheel or Ski".
- Cross Qualification "Ski to Wheel or vv" asks for specific requirements (Differential Training, Skill-test).

- **(b) The content of the course shall be appropriate to the relevant rating (aeroplane and helicopter). In the training course shall be a requirement that each period of the year needs to be taken into consideration with regard to training in different environment.**

response *Partially accepted*

Thank you for providing your opinion.

As to your first comment, please see the reply to comment 21 above.

It was decided to limit the rating to aeroplane at this stage. The issue of cross-crediting should also be an element to be discussed during the future task.

Regarding your other comments please see the reply to comment 192, under 2, above.

comment **587**

comment by: *trevor sexton*

What concerns me here is who defines what airfield is designated needing a mounting rating.

There are some airfields that have been deemed to require a mountain rating that commercial aircraft fly into but flying a light aircraft in there a mountain rating would be an overkill.

response *Noted*

You can find the answer in paragraph FCL.815 (a): .... from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States.

comment **857**

comment by: *Heliswiss AG, Belp*

If it is the case that beside EASA approved ratings no national ratings are accepted any more, the mountain rating for helicopters (MOU) in Switzerland has been forgotten. The training consists of 200 mountain landings, 150 of which have to be on official mountain landing sites. A skill test has to be carried out at the end of the training. Without that rating, no landings on official mountain landing sites or above 1100 MAMSL may be carried out. For more details refer to Swiss RFP

response *Noted*

You are right that national ratings are not possible anymore under the new system.  
Please see the reply to comment 256 above.

Concerning your comment on the mountain rating for helicopter, please read the following: The way paragraph FCL.815(a) is drafted implies that the privileges are for all kind of aircraft. This paragraph does not exclude helicopters.

comment **982**

comment by: *aero club de beziers*

here is a proposal for mountaing rating

(d) *validity*, A mountain rating shall be valid for a period of 24 months only for altisurfaces other than altiport .

(e) *Revalidation*. For revalidation of mountain rating, the applicant shall:

(1) have completed at least 3 mountain landings in the past 12 months; or

(2) pass with a mountain instructor a proficiency check of 3 landings on at least two different altisurfaces .

(3) For at least two revalidation the applicant shall comply with the requirement in (e)(2)

(f) *Renewal*. If the rating has lapsed, the applicant shall comply with the skill test in (c)

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 192 above.

comment *1243*

comment by: *Aeromega*

The mountain rating section should differentiate between fixed wing and rotary. Comments about ski and wheel are not appropriate to many helicopters. Is the intention that a Mountain Rating only applies to fixed wing. This should be made clear and state that there is no mountain rating for helicopters or include a Mountain Rating (H) syllabus.

response *Accepted*

Thank you for providing your opinion.

Please see the reply to comment 21 above.

It was decided to limit this rating only to aeroplanes. A helicopter mountain rating should be developed within a future separate rulemaking task.

comment *1365*

comment by: *Deutsche Gebirgpiloten Vereinigung DGPV*

Leider zeugt der EASA Textvorschlag im Bereich mountain rating von einer bemerkenswerten Unkenntnis der Materie und den Gegebenheiten und Möglichkeiten in den betroffenen Alpenländern, insbesondere ausserhalb Frankreichs. Die Deutsche Gebirgpiloten Vereinigung DGPV unterstützt daher vorbehaltlos und mit grossem Nachdruck jenen Text, der von den Fachleuten der Gebirgpiloten Vereine der Schweiz und Italiens erarbeitet worden ist. Er wird hier sinngemäss in Deutscher Sprache wiedergeben.

FCL.815

a) Der Halter eines moutain raitings ist berechtigt, Flüge von und zu geeigneten Pisten ausführen, welche Landungen und Starts in entgegen gesetzte Richtungen verlangen. Die jeweiligen Nationalen Luftfahrtbehörden können solche Landeplätze oder Landeregionen bezeichnen, für welche ein mountain rating nötig ist. Das mountain rating kann initial entweder auf Rad oder auf Ski erworben werden.

b) Ein mountain rating mit der Erweiterung (Extension) Rad berechtigt Flüge

von und zu solchen Plätzen, die nicht mit Schnee bedeckt sind.  
Ein mountain rating mit der Erweiterung (Extension) Ski berechtigt Flüge von und zu solchen Plätzen, wenn diese mit Schnee bedeckt sind.

#### Trainingskurse - benötigte Erfahrungen

Ein Bewerber für ein mountain rating mit der Erweiterung Rad oder Ski muss innerhalb von 24 Monaten einen Theorie Kurs besucht und bei einer dafür geeigneten Trainingsorganisation praktische Instruktion und Flugtraining absolviert haben. Der Inhalt des Kurses und des Trainings soll der entsprechenden Erweiterung, die als erste erworben wird, angemessen sein und mindestens 120 Landungen am Doppelsteuer oder unter direkter Aufsicht eine Gebirgsfluglehrers beinhalten.

c) Skill Test. Nach Abschluss des Trainings soll der Bewerber einen Skill Test mit einem dafür qualifizierten FE absolvieren. Dieser Test soll enthalten

(1) Eine mündliche Prüfung des theoretischen Wissens

(2) 6 Landungen auf zumindest 2 verschiedenen Gebirgslandeplätze, für die ein rating benötigt wird.

(3) Rad oder Ski Erweiterung ( Extension) Familiarisation

Der Halter eines mountain rating mit der Erweiterung Rad oder Ski kann mit einen Gebirgsfluglehrer nach einem angemessenen Theorie Kurs ein weiteres Flugtraining unternehmen, um so die Erweiterung von Rad auf Ski zu erwerben oder aber umgekehrt von Ski auf Rad. Nach Abschluss einer angemessenen Instruktion und Flugtraining (Familiarisation) darf der Fluglehrer ein zusätzliches Endorsement Ski oder Rad auf das initial bestehende mountain rating ausstellen.

d) Auf ein beschränkte Gültigkeit muss unter allen Umständen verzichtet werden. Der Vorschlag der EASA würde mindestens zu einer Verzehnfachung der Prüfungsflüge führen und wäre damit ein de facto Verbot der Gebirgsfliegerei.

f) Erneuerung muss aus gleichem Grund entfallen.

g) (Zusätzlicher Paragraph) Die nationalen Luftfahrtbehörden können für einzelne Gebirgslandeplätze sogenannte Qualifikationen "site" ausstellen, die jeweils nur für einen einzelnen Platz gelten. Um diese Qualifikation zu erhalten, müssen Bewerber mit einem Gebirgsfluglehrer eine praktische Instruktion und Flugtraining am entsprechenden Platz absolviert haben. Ein Pilot kann maximal 2 solcher Qualifikationen auf's mal halten. Die Qualifikation "site" bleibt gültig, solange der Pilot jeweils 5 Landungen in den vergangenen 12 Monaten als Pilot in Command ausgeführt hat.

response

*Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 192 above.

comment

1610

comment by: *Helikopter Air Transport GmbH / Christophorus Flugrettungsverein*

#### **STATEMENT**

It should be defined that these requirement is only applicable for high mountain aerodroms

response

*Not accepted*

This paragraph is applicable to surfaces as stated in paragraph FCL.815 (a):  
... from surfaces designated as requiring such a rating by the appropriate  
authorities designated by the Member States.

comment **1903** comment by: *Regierung von Oberbayern-Luftamt Südbayern*

Wir weisen darauf hin, dass für eine Landung auf einer ebenen  
schneebedeckten Piste mit einem mit Kufen ausgestatteten Flugzeug kein  
spezielles Rating erforderlich erscheint.  
Wir gehen davon aus, dass die Regelung so zu verstehen ist, dass der jeweilige  
EASA-Mitgliedsstaat es in der Hand hat, selbst festzulegen, für welche  
speziellen Landeplätze und zu welchen (Wetter-)Bedingungen der Erwerb eines  
Mountain Rating erforderlich ist.

response **Noted**

This paragraph is applicable to surfaces as stated in paragraph FCL.815 (a):  
... from surfaces designated as requiring such a rating by the appropriate  
authorities designated by the Member States.  
This means that each Member State has to designate the surfaces.

comment **1987** comment by: *Volker Reichl*

Social and cost impact:  
It is not stated in the rule who is entitled to evaluate the proficiency of the  
mountain rating holders. These are good requirements if a flight instructor is  
considered to be competent for proficiency evaluation.  
If an examiner is needed to evaluate the proficiency of FCL 815 e2, I cannot  
see an adequate number of examiners, especially in such a narrow niche of  
aviation!

response **Noted**

The proficiency of mountain rating applicants is assessed by an adequately  
qualified FE, in accordance with FCL.815(c).  
As for the maintenance of proficiency of mountain rating holders, it is either  
demonstrated by fulfilling recency requirements, or assessed by an adequately  
qualified FE, in accordance with FCL.815(d).

comment **2040** comment by: *Nigel Roche*

(a) *Privileges*. The privileges of the holder of a wheel mountain rating or a ski  
mountain rating are to conduct flights to and from surfaces designated as  
requiring such a rating by the appropriate authorities designated by the  
Member States.

The wheel mountain rating grants the privilege to fly to and from such surfaces  
when the runway is not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces  
when the runway is covered by snow.

Cross references to AMC 1 & 2 to FCL.815

I feel that while the intention of this order is very good it has become  
somewhat mixed up in the formulation. Firstly the title of the order is "Mountain

rating" however on reading the *Privileges* it is for those who wish to land on or take off from those surfaces designated by the appropriate authorities designated by the Member States, using wheels or skis.

It does not cover those who wish to fly through the valleys or just pass over ridges of mountain ranges. The order also places the emphasis on winter operations, but mountains and valleys can offer their own challenges in any season to flying and survival. Pilots who come down on in intermediate height sparsely populated high moor in any season is less likely to get SAR assistance due to the unlikely hood of others being there, distance from any rescue organisation etc than those who fly over major Alpine tourist areas with their numerous mountain rescue squads and helicopters.

For example my homeland of Wales has a mountainous region in the north which, while not being as high as the Alps or Pyrenees is heavily used by own Air Force and other NATO Air Forces for low level training in mountainous terrain. Northern Scotland, is predominantly mountainous and very sparsely populated. An area of England known as the Lake district is normally shrouded in cloud with low visibility or heavy rain. None of these have any high level airports such as Courchevel.

As the determination of which areas of the EU are to be designated as requiring a mountain rating, it is not implicit in the order that gaining a mountain rating in state 'A' will considered to be valid in states 'B', 'C' or 'D'. Which other EU member States have any airport such as Courchevel Airport?

Would those LPL, PPL or CPL pilots who have undertaken their flight training at airports in areas designated by the appropriate authorities designated by the Member States as requiring a mountain rating be so credited.

As part of the thrust of this order and AMC 1 to FCL.815 covers the landing and taking off from a snow or ice surface using skis fitted to either aeroplanes or helicopters why is isn't there a ski or bear paw rating. A number of member states get harsh winters and have aircraft either landing on frozen lakes of snow fields.

AMC 1 to FCL.815 Mountain rating - Theoretical knowledge and flying training details the theory knowledge and practical flight training that would be useful to those who venture into mountainous regions without the intention of landing. Please see below:

#### Theory Knowledge

- 1.1 Personal equipment for the flight.
- 1.2 Aircraft equipment for the flight.
- 3.2 Over-flight rules
- 4.1 Movements of the air mass
- 4.2 Flight consequences
- 4.3 Relief effect on the movement of the air masses
- 4.4 Altimetry
- 5.1 The cold
- 5.2 The food
- 5.3 The hypoxia.
- 5.4 The radiance
- 5.5 The thirst
- 5.6 The tiredness

- 5.7 Turbulence effects in altitude
- 6.1 Progress of the flight S.6.1 Progress of the flight
- 6.2 Dead reckoning
- 6.3 The path over the relief
- 6.4 Progress in the valleys
- 6.5 Detection of the manmade obstacles (high voltage lines, chairlifts, cables, etc.).
- 7.6 Avalanches
- 8.1 Ways of survival (psychological aspects).
- 8.2 Use of the equipments.
- 8.4 Building of a shelter
- 8.5 How to feed

#### Flight Instruction

- I.1 Flight techniques in the valleys.
- I.2 Flight over mountain passes and ridges
- I.3 U turn in narrow valleys.
- I.4 Choice of the flight path regarding aerology
- I.5 Map reading
- V.2 Use of the markings.

I would suggest that the order is rewritten to cover:

Mountain rating 1. the privilege to fly over mountainous regions between X - Y feet/metres above peak level

Mountain rating 2. the privilege to fly through mountainous regions below peak levels.

Mountain rating 3. the privilege to take-off and landing at specified airports, glaciers or snowfields within mountainous regions using wheels.

Mountain rating 4. the privilege to take-off and landing at specified airports, glaciers or snowfields within mountainous regions using skis or bear paws.

1 & 2 would give the holder training in flying in mountainous regions so their licence would be endorse privileges to cross over or through.

Holders of Mountain rating 1 & 2 would be eligible to undertake training for Mountain rating 2, 3 and/ or 4 as required.

It should not take NAA's long to compile a list of the high regions and airports, that can be in-corporated in an appendix to the order.

A subsequent rating should be written for the use of ski's and bear-paws for both helicopters and aeroplanes however the holder of Mountain rating 4 above who has skis annotated on the licence would automatically be credited but the expiry date would coincide with that of the mountain rating 4, a holder of a ski rating would not be exempt Mountain rating 4.

response

*Noted*

Thank you for providing your opinion.

The Agency understands the point you raise. However, experience in different Member States has shown that a specific rating is only needed when a pilot

needs to take-off or land in mountainous regions. For overflying those regions, the normal skills ensured by the licence are sufficient.

The issues mentioned in your comment are quite useful and should be used as some kind of guidance material to be given to pilots wishing to fly in certain regions of Europe but cannot be the basis for an additional European mountain qualification.

comment **2051** comment by: *Thomas SIEWERT*

Ist es wirklich erforderlich, diesen Nischenbereich der Fliegerei, der in Europa wohl nur eine Handvoll Piloten betrifft, auf diese Art und Weise zu regeln?  
Bislang war dies durch die Benutzungsregularien für die jeweiligen Flugplätze hinreichend abgedeckt!  
Eine gute Möglichkeit zur Entbürokratisierung, auf diesen Passus zu verzichten!

response *Noted*

When developing the implementing rules for pilot licensing, the FCL.001 rulemaking group noted that many Member States required other qualifications and ratings than those included in JAR-FCL 1 and 2. Based on the input received from the Member States drafted additional ratings, like the mountain rating. The Member States asked for these harmonised ratings. See more in the Explanatory memorandum to Part-FCL, under Subpart I, number 45, page 28.

comment **2272** comment by: *Bundespolizei-Fliegergruppe und Polizeihubschrauberstaffeln/ -fliegerstaffeln der Länder*

To avoid misunderstandings, the headline should read as follows:

**Mountain ratings for aeroplanes**

because obviously this paragraph applies to aeroplanes.

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 21 above.  
A mountain rating for helicopters should be developed at a later stage within a separate rulemaking task.

comment **2527** comment by: *Gérard VOLAN*

once more , the "grand-father"law is not applied! ; experience is not taken into account!; subparagraph (e) requires a check every third revalidation ; if we can justify on the log book ( with a stamp for instance) that we have sufficient training by landing 3 times an year on an altiport ( wheel qualification) it is enough;  
this new constraint has to be cancelled ( for wheel qualification).

N.B : for FCL 055 language proficiency it is quite similar : experience is always better than an exam; QRRR has been "fired" by this new regulation even if we have successfully experienced a large amount of foreign journeys since 35 years ( in all Europe , scandinavian countries, africa, etc..)

response *Accepted*

Thank you for providing your opinion.

Based on the comments received, the Agency carefully reviewed the issue of the skill test and the mandatory proficiency check proposed in (e)(3). Based also on the input received from the experts involved in the review, the Agency decided to keep the concept of the initial skill test but to delete the mandatory proficiency check for rating holders who have fulfilled the items (e)(1) or (e)(2) within the last 36 months.

comment **3331** comment by: *DGAC FRANCE*

FCL .815 (a)  
 Unlike the other ratings, the concerned aircraft category (ies) is(are) not mentioned.  
 (a) Privileges:.....to conduct flights **on aeroplanes** to and from surfaces designated .....

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 21 above.  
 A mountain rating for helicopters will be developed within a separate rulemaking task.

comment **3460** comment by: *Susana Nogueira*

Full paragraph need to be restructured to foreseen mountain rating for helicopters.

response *Noted*

Please see the reply to comment 21 above.

comment **3582** comment by: *Swiss Power Flight Union*

The Swiss glacier pilots association represents all 300 Swiss mountain pilots holding a valid mountain flying license. The following comments are made in accordance with all European mountain flying associations, except the French.

This kind of letters means = comments  
 This kind of letters / color means = text has to be deleted  
 This kind of letters / color means = replaced or accepted text

**FCL.815**

~~(a) Privileges. The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States. Shall be replaced by~~

(a) Privileges. The privileges of the holder of a mountain rating are to conduct flights to and from sloped surfaces which requires landings and take-offs in opposite directions. The appropriate authorities of the Member States may

designate landing sites and landing areas on which a mountain rating is required. The initial mountain rating may be obtained either on wheels or ski.

*Explanation:*

- 1. Nowhere does the proposed text specify the nature of the strips that would require a mountain rating, nor does it specify the necessities which fit an adequate training site.
- 2. The Italian law "Gex" foresees whole areas for mountain landings and not only exactly defined landing strips. This has in the wording to be taken into account.
- 3. Only one single mountain rating is feasible, with extensions (wheel or ski) to be obtained by a familiarisation.

Reasons: There are by far not enough mountain examiners, not enough mountain flight instructors, not enough airstrips in summer, and not enough weather windows in winter to serve two different ratings.

The Wheel mountain rating grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces when the runway is covered by snow. Shall be replaced by

The mountain rating extension wheels grants the privilege to fly to and from such surfaces when the runway is not covered by snow.

The mountain rating extension ski grants the privilege to fly to and from such surfaces when the runway is covered by snow.

(b) Training course. Applicants for a wheel or ski mountain rating shall have completed, within a period of 12 months, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating. To be corrected and amended by:

(b) Training course - Experience requirements (additional points)

Applicants for a mountain rating extension wheel or ski shall have completed, within a period of 24 months, a course of theoretical knowledge, instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant extension, and shall include 120 landings for the extension which is initially obtained on dual instruction and under close supervision of a mountain flight instructor.

*Explanation:*

- 1. 12 month for the completion of mountain training is by far too short, taken in account the limitations by the lack of mountain flight instructors, the lack of airplanes (especially on ski) and the need for appropriate weather especially in wintertime.
- 2. In drastic contrast to other countries experiences the Swiss record shows not a single fatal accident during mountain operations in over 50 years. The main reason for that lays in the Swiss philosophy, to ask generally for much more experience of its mountain pilots and its mountain flying instructors. Currently 250 mountain landings are required before an applicant may be able to perform his mountain flying skill test. To facilitate the acceptance of this approach with other nations, we are willing to reduce the amount to only 120 landings, which is by any means the absolutely minimum for safe basic mountain pilot skills.
- 3. Further more we are completely convinced that a minimum amount of landings has to be defined to make sure, that not inexperienced

flatlanders begin to provide, in a hurry up manner, mountain ratings to greedy rating hunters. If this should be the case, those people would not only increase accident rates dramatically, but by doing so, soon endanger the existence of many of the surfaces in France and Italy.

(c) Skill test. After the completion of the training, the applicant shall pass a skill test with an FE qualified for this purpose. The skill test shall contain: OK

(1) A verbal examination of theoretical knowledge: OK

(2) 6 landings on at least two different surfaces designated as requiring a mountain rating other than the surface of departure. OK

(3) Ski or wheel extension Familiarisation (additional paragraph)

A mountain pilot holding an initial mountain rating on either wheel or ski shall undertake an appropriate additional course of theoretical knowledge, instruction and flight training with a mountain flight instructor to require the extension either from wheels to ski or vice-versa. After a satisfactory completion of that instruction (familiarisation) the mountain flight instructor may issue either an additional ski or a wheel endorsement on the existing initial mountain rating extension.

*Explanation:*

Two different mountain ratings are for Switzerland absolutely not practicable (and according to AFPM and AIPM for France and Italy at least not necessary)

- 1. There are by far not enough mountain examiners
- 2. There are by far not enough airstrips in summer
- 3. There are not enough weather windows in winter.

(d) Validity. A mountain rating shall be valid for a period of 12 months. shall be deleted completely !!!

*Explanation:*

- 1. After 50 years of experience with mountain ratings in France, Italy and Switzerland without such a thing, a limited validation is completely unnecessary.
- 2. With the newly requested amount of at least 120 landings during basic training the general skill level of the mountain pilots will be high enough to give up on the revalidation idea completely.
- 3. A revalidation of any kind is due to a lack of examiners neither in France, nor in Switzerland nor in Italy in any way practicable as proposed. In Switzerland the EASA proposal would increase the examination flights from currently 10 per year to 120 per year. Therefore in full accordance with the AFPM, the AIPM and the EMP we demand to delete the limited validity.
- 4. Maintaining it would amount in a de facto prohibition a any mountain flying with uphill landings.
- 5. Further more a limited validity for the mountain rating would by no means be in accordance with the systematic of all other additional ratings which don't have any limitation to their validity. FCL 800, 805, 810

(f) Renewal. If the rating has lapsed, the applicant shall comply with the requirement in (e)(2).

This shall be completely deleted. Same reasons as mentioned for the validity.

(g) Qualification site (additional paragraph)

The aviation authorities of a Member State may issue a qualification "site" which is bound to a single mountain landing site on which the applicant pilot has received an appropriate instruction and training on dual instruction and under close supervision of a mountain flight instructor in accordance with the AMC stated in AMC No 1 to FCL.815. A pilot may only hold such qualifications for two different sites at a given time. The qualification "site" remains valid for a given site as long as the holder has performed at least 5 landings as pilot in command in the past 12 months. The qualification "site" may be obtained either on wheels or ski.

*Explanation:*

- This paragraph is an very urgent request by the French mountain pilots association AFPM to maintain the current modus operandi on some of the French altiports.
- In addition, the swiss glacier pilots association SGPV supports the request because it will facilitate the use of our landing site Croix de Coeur.

For Austria this paragraph may be a appropriate tool to facilitate the use of the only temporarily opened Austrians mountain landing sites.

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 192 above.

comment

3625

comment by: *SHA Guido Brun*

Statement: regular training are more important for safe mountain landings than prof checks.

Proposal: FCL.815 (d) Validity, A mountain rating shall be valid for a period of 2 years.

FCL.815 (e) (1) have completed at least 30 mountain landings in the past 12 months; or

response *Not accepted*

Thank you for providing your opinion.

The Agency agrees with your proposal to extend the validity period of this rating. Based on the comments received, the Agency decided to introduce a validity period of 24 months.

As to your second proposal concerning subparagraph (e), the Agency carefully reviewed the feedback received from the experts and decided to raise the required amount of mountain landings and to require 6 landings within the last 24 months in order to fulfil the revalidation criteria.

comment

3630

comment by: *SHA Guido Brun*

Statement: weather and snow conditions very often prohibit mountain landings. Therefore the course duration might be more than 1 year. Landings on different days increase training value and decision making of the student. But the minimum training should be more clearly described.

Proposal: FCL.815 (b) Training course ... within a period of 24 months ...

Flight training shall not be less than 200 approaches with landings at not less than 10 different landing sites.

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 192, under 3, above.  
The text will be amended accordingly.

comment

3709

comment by: DGAC FRANCE

FCL.815

(a) We propose to add "on aeroplane" in order to be clear with that rating. The term runway seems to be not very appropriated for mountain purpose. We'd prefer the word "surfaces" which means slopes, strips surfaces and glacier axis.

(b) A period of 12 months is not enough to cover the entire program mainly for a ski mountain rating. Either on skis or wheels, it would be better to complete the training during more than one season.

#### **FCL.815 Mountain ratings**

(a) *Privileges*. The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights **on aeroplane** to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States.

The wheel mountain rating grants the privilege to fly to and from such surfaces when ~~the runway is~~ **these surfaces are** not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces when ~~the runway is~~ **these surfaces are** covered by snow.

(b) *Training course*. Applicants for a wheel or ski mountain rating shall have completed, ~~within a period of 12 months~~, a course of theoretical knowledge instruction and flight training at an approved training organisation. The content of the course shall be appropriate to the relevant rating.

(c) *Skill test*. After the completion of the training, the applicant shall pass a skill test with an FE qualified for this purpose. The skill test shall contain:

(1) A verbal examination of theoretical knowledge;

(2) ~~6 landings~~ **Landings** on at least two different surfaces designated as requiring a mountain rating other than the surface of departure.

(d) *Validity*, ~~A mountain rating shall be valid for a period of 12 months.~~

~~(e) *Revalidation*. For revalidation of a mountain rating, the applicant shall:~~

~~(1) have completed at least 3 mountain landings in the past 12 months; or~~

~~(2) pass a proficiency check. The proficiency check shall comply with the requirements in (c).~~

~~(3) For at least every third revalidation the applicant shall comply with the requirements in (2).~~

~~(f) *Renewal*. If the rating has lapsed, the applicant shall comply with the requirement in (e)(2).~~

response *Partially accepted*

Thank you for providing your opinion.

1. To your first comment concerning subparagraph (a):

The Agency agrees and will make clear that this rating is only for aeroplane operations.

Please see the reply to comment 21 above.

For replacing 'runway' into 'surface': the text will be amended accordingly.

2. To your second comment subparagraph (b):

Please see the reply to comment 192, under 3, above.

3. To your third comment subparagraph (c):

The Agency discussed the issue and decided to keep the required number of mountain landings in order to guarantee a certain standard and not leave it at the discretion of the examiner. This will lead to an equal treatment of the candidates.

4. To your fourth and fifth comment to delete subparagraphs (d) and (e):

Please see the reply to comment 192, under 5, above.

comment 3750 comment by: *AECA helicopters.*

To established a diferent requirements for mountain operations between airplanes and helicopters operations.

response *Noted*

Please see the reply to comment 21 above.

comment 3751 comment by: *ANPI*

<![endif]-->

**FCL.815 Mountain ratings**

~~(d) *Validity*, A mountain rating shall be valid for a period of 12 months. (e) *Revalidation*. For revalidation of a mountain rating, the applicant shall:~~

~~(1) have completed at least 3 mountain landings in the past 12 months; or~~

~~(2) pass a proficiency check. The proficiency check shall comply with the requirements in (e).~~

~~(3) For at least every third revalidation the applicant shall comply with the requirements in (2).~~

**Recent experience**

A pilot has the responsibility to keep up proficiency in carrying out mountain landings regularly. Conversely, he shall be made responsible to organize supervision by a mountain instructor if felt as not enough trained.

response *Not accepted*

Please see the reply to comment 19, under 5, above.

comment 4248 comment by: *SFG-Mendig*

Proficiency check ist für einen Luftfahrzeugführer, der die erforderliche praktische Erfahrung im Verlängerungszeitraum nachgewiesen hat überflüssig und sollte ersatzlos gestrichen werden.

response *Accepted*

Thank you for providing your opinion.

The Agency has carefully reviewed the comments received and discussed this issues again with the experts involved in the review. Based on this, the Agency decided to delete the proposed mandatory proficiency check every three years for the rating holders who are fulfilling (e)(1).

comment

4707

comment by: *Peter Kynsey*

Like most of EASA's other proposed new ratings this one will not improve safety at all. Mountain flying is different from one country to the next and the suggestion that a rating gained in mountains such as Scotland would allow a pilot to fly in the Alpes is ludicrous and unsafe. EASA is proposing a rating that would allow pilots to fly anywhere in the moutains of Europe. This should be left to individual countries to write their rules relevant to their own mountain types as is done at present. The safety record is good now but would likely deteriorate with EASA's proposal. The recency requirements are unnecessary because experienced mountain pilots require much less than newly qualified ones but no allowance is made for this. Given the few occasions when it is possible to find the right weather, it will be difficult or impossible to arrange a proficiency flight with an examiner. The requirement to carry out a certain numberof landings is at odds with the attempt by pilots to limit noise in the mountains by carrying out as few landinds as possible.

To require that all the training is done in 12 months proves that EASA has no idea of what Mountain flying is all about. It can take 3 years or more before a pilot has seen all the weather and snow conditions that are possible and the pilot be ready for test.

response

*Noted*

Please see the reply to comment 2051 above.

comment

5867

comment by: *EFLEVA*

EFLEVA supports this rating.

response

*Noted*

Thank you for providing this positive feedback.

Please check the responses given by the Agency on this segment and the changes in the resulting text which are based on the other comments received.

comment

6108

comment by: *French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots*

FCL.815 Mountain ratings

FFA and the French Mountain Pilot Association propose the following changes in the text :

(a) *Privileges* : The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights **on aeroplane** to and from surfaces...

The wheel mountain rating grants the privilege to fly to and from surfaces when ~~the runway is~~ **these surfaces are** not covered by snow.

The ski mountain rating grants the privilege to fly to and from such surfaces when ~~the runway is~~ **these surfaces are** covered y snow.

**Justification** : We propose to add "on aeroplane" in order to be clear with that

rating.

The term runway seems not appropriate for mountain purpose. We prefer the word "surfaces", which means slopes, strips surfaces and glacier axis.

(b) *Training course.* Applicants for a wheel or ski mountain training shall have completed, ~~within a period of 12 month~~, a course of theoretical knowledge...

**Justification** : A period of 12 month is not enough to cover the entire program, mainly for a ski mountain rating. Either on skis or wheels, it would be better to complete the training during more than one season.

(c) (2), ~~6-landings~~ **Landings** , on at least two different surfaces...

**Justification** : A strict number of landings is not necessary. The pilot has to demonstrate to the examiner good techniques during his/her skill test and be accurate enough the first time. See AMC n°2 to FCL.815.

(d) *Validity.* A mountain rating shall be valid for a period **of 24 month**.

**Justification** : The mountain rating is valid only with a valid Basic LPL, LPL or PPL licence, so it must be, at least, compatible with the PPL SEP class rating validity. There is not actual reason to limit the validity to 12 month when we compare to the unlimited validity of the aerobatic rating (FCL.800), the Sailplane and banner towing (FCL.805), and the VFR night rating (FCL.810).

(e) *Revalidation.* ...

(1) **Have completed a training flight with a mountain instructor (MI) in the past 12 month. This training flight can be combined with the one hour training flight necessary for the revalidation of the PPL(A) SEP class rating.**

**Or (2) pass a proficiency check.** This proficiency check shall...

(3) For at least every third revalidation the applicant shall comply with the requirement in (2).

**Justification** :As the mountain flying activity needs a regular practice, we think that a training flight with a MI is the best way to check the pilot actual level. The possibility to combine this training flight with the one needed for the aeroplane PPL SEP class rating revalidation seems logical.

As for the PPL SEP class rating revalidation (every third revalidation) or renewal, the need to comply with a skill test conducted by an FE is acceptable provided the FE prerequisites are adapted as indicated in the FFA comment on FCL.1010 FE (a) (1) (i).

response *Partially accepted*

Thank you for providing your opinion.

Please see the reply to comment 3709 above.

comment 6208

comment by: *EUROCOPTER*

It is not clear when reading this paragraph if it applies for aeroplanes only or if it is applicable also for helicopters. Clarification is required.

response *Noted*

Please see the reply to comment 21 above.

comment 6491

comment by: *European Mountain Pilots*

**FCL.815-I Site Rating - Wheels or skis (to be added)**

*Pilots may obtain a "Site Rating" for a designated mountain landing site after completion of the theoretical and practical training, in accordance with AMC No 1.*

*The Skill Test shall be only performed on the site purpose of the rating.*

*A pilot may only hold a "Site Rating" for two (2) different sites simultaneously .*

*The "Site Rating" remains valid as long as the holder has performed at least 5 landings as Pilot in Command in the past 12 months.*

*The "Site Rating" may obtained either on wheels or skis.*

Explanation:

- The French Mountain Pilots Association (AFPM), supported by all the other member associations of the European Mountain Pilots Federation (EMP), requests to keep this Site Rating (Qualification de site), part of the mountain flight regulation of that country, which gives the opportunity to land on the landing site for which the holder is qualified, to pilots that are interested solely in using that specific landing site, because they have no time for the full mountain rating, because they have an airplane that may only use that specific landing site (type of aircraft, runway length. ...), etc.
- The Swiss Mountain Pilots Association (SGPV), again with full support from the EMP, requests to have such a Site Rating as it will facilitate the use of the two (2) only mountain landing sites of Switzerland which may be used both in winter on skis and in summer on wheels.
- The Site Rating is also an appropriate tool for countries where mountain landing sites are still rare or occasional (e.g. Austria, Spain) and where training may sometimes only be possible on one single mountain landing site.

response

*Not accepted*

Thank you for providing your input.

In relation to your proposal of an additional paragraph concerning a specific site qualification, the Agency has very carefully reviewed this issue.

The Agency is aware that such a site qualification would cause some flexibility for a specific group of pilots operating on only one site but it was decided not to introduce an additional qualification at this stage.

The Agency will therefore not take over this proposal. It might be taken up again in connection with the future task dealing with the mountain rating for helicopter operations.

comment

6556

comment by: *IAOPA Europe*

The feedback IAOPA has received from its members is that the requirements for the mountain rating should undergo a complete revision. The proposed regulation will be a huge barrier to mountain flying. Particularly the requirement for a proficiency check every 12 months does not take into account the limited number of available examiners. The duration for a mountain rating should be 2 years like for other ratings.

Also there is a need for a site rating where the pilot gets the privileges to use a particular landing site.

	<p>Further, the proposal for both a "wheel mountain rating" and a "ski mountain rating" does not take into account the limited availability of instructors, suitable aircraft and weather opportunities. It is therefore proposed to make just one rating, where ski or wheels operations are simple extensions that may be achieved by familiarisation training.</p>
response	<p><i>Noted</i></p> <p>1. To your first comment concerning the proficiency check: please see the reply to comment 192, under 5, above.</p> <p>2. To your second comment concerning the duration of the training: please see the reply to comment 192, under 3, above.</p> <p>3. To your third comment concerning the 'site rating': please see the reply to comment 192, under 6, above.</p> <p>To your fourth comment concerning to have only one rating: please see the reply to comment 192, under 2, above.</p>
comment	<p>6583 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span></p> <p>LAA approves this rating.</p>
response	<p><i>Noted</i></p> <p>Thank you for providing this positive feedback.</p> <p>Please check the responses given by the Agency on this segment and the changes in the resulting text which are based on the other comments received.</p>
comment	<p>6983 <span style="float: right;">comment by: <i>CAA Finland</i></span></p> <p>FCL.815(a): Multi-pilot aircraft have more power reserve and need specific performance calculations. Obviously the rating is required for single-pilot aircraft only. Amended text proposal:</p> <p>(a) <i>Privileges</i>. The privileges of the holder of a wheel mountain rating or a ski mountain rating are to conduct flights to and from surfaces designated as requiring such a rating by the appropriate authorities designated by the Member States <b>on single-pilot aircraft</b>.</p>
response	<p><i>Not accepted</i></p> <p>Thank you for providing your opinion.</p> <p>The Agency carefully reviewed the input received and discussed the issue again with the experts involved in the review phase.</p> <p>At this stage the Agency cannot see a reason why pilots flying in a multi-pilot environment should be excluded to operate on an airfield designated by the competent authority to be operated only by pilots holding the mountain rating. Both pilots must in these cases hold such a rating in order to operate on such an airfield.</p> <p>The Agency will not change the text.</p>

comment

7239

comment by: *Vizepräsident OEGPV*

FCL.815

a) Der Halter eines mountain ratings ist berechtigt, Flüge von und zu geeigneten Pisten ausführen, welche Landungen und Starts in entgegen gesetzte Richtungen verlangen. Die jeweiligen Nationalen Luftfahrtbehörden können solche Landeplätze oder Landeregionen bezeichnen, für welche ein mountain rating nötig ist. Das mountain rating kann initial entweder auf Rad oder auf Ski erworben werden.

b) Ein mountain rating mit der Erweiterung (Extension) Rad berechtigt Flüge von und zu solchen Plätzen, die nicht mit Schnee bedeckt sind.

Ein mountain rating mit der Erweiterung (Extension) Ski berechtigt Flüge von und zu solchen Plätzen, wenn diese mit Schnee bedeckt sind.

Trainingskurse - benötigte Erfahrungen

Ein Bewerber für ein mountain rating mit der Erweiterung Rad oder Ski muss innerhalb von 24 Monaten einen Theorie Kurs besucht und bei einer dafür geeigneten Trainingsorganisation praktische Instruktion und Flugtraining absolviert haben. Der Inhalt des Kurses und des Trainings soll der entsprechenden Erweiterung, die als erste erworben wird, angemessen sein und mindestens 80 Landungen am Doppelsteuer oder unter direkter Aufsicht eine Gebirgsfluglehrers beinhalten.

c) Skill Test. Nach Abschluss des Trainings soll der Bewerber einen Skill Test mit einem dafür qualifizierten FE absolvieren. Dieser Test soll enthalten

(1) Eine mündliche Prüfung des theoretischen Wissens

(2) 6 Landungen auf zumindest 2 verschiedenen Gebirgslandeplätze, für die ein rating benötigt wird.

(3) Rad oder Ski Erweiterung ( Extension) Familiarisation

Der Halter eines mountain rating mit der Erweiterung Rad oder Ski kann mit einem Gebirgsfluglehrer nach einem angemessenen Theorie Kurs ein weiteres Flugtraining unternehmen, um so die Erweiterung von Rad auf Ski zu erwerben oder aber umgekehrt von Ski auf Rad. Nach Abschluss einer angemessenen Instruktion und Flugtraining (Familiarisation) darf der Fluglehrer ein zusätzliches Endorsement Ski oder Rad auf das initial bestehende mountain rating ausstellen.

d) Auf ein beschränkte Gültigkeit muss unter allen Umständen verzichtet werden. Der Vorschlag der EASA würde mindestens zu einer Verzehnfachung der Prüfungsflüge führen und wäre damit ein de facto Verbot der Gebirgsfliegerei.

f) Erneuerung muss aus gleichem Grund entfallen.

g) (Zusätzlicher Paragraph) Die nationalen Luftfahrtbehörden können für einzelne Gebirgslandeplätze sogenannte Qualifikationen "site" ausstellen, die jeweils nur für einen einzelnen Platz gelten. Um diese Qualifikation zu erhalten, müssen Bewerber mit einem Gebirgsfluglehrer eine praktische Instruktion und Flugtraining am entsprechenden Platz absolviert haben. Ein Pilot kann maximal 2 solcher Qualifikationen auf's mal halten. Die Qualifikation "site" bleibt gültig, solange der Pilot jeweils 5 Landungen in den vergangenen 12 Monaten als Pilot in Command ausgeführt hat.

response

*Partially accepted*

Thank you for your input.

Please see the reply to comment 192 above.

comment 7245 comment by: *A.Garside*

There has to be some from of granfather rights for those who have alraedy spent many years flying in the mounmtains. As of now many countries did not require a specific rating.

response *Noted*

Please see the first part of the reply to comment 2527 above.

comment 8089 comment by: *MOTORFLUGUNION FTO A117*

**AGRARPILOTEN** Leider wurde die Frage der Agrarpiloten nicht behandelt!  
Vorschlag: Damit die Qualifikation in allen EASA-Ländern einheitlich ist und gegenseitig anerkannt wird, regen wir an, hierzu eine Zusatzberechtigung in den PPL, CPL oder ATPL einzutragen, wie z.B. auf Basis FAA-Regulation: FAR 14 CFR Part 137.19

**SAILPLANE Segelflug in Wolken** Es bestehen nationale Regelungen in vielen europäischen Staaten, z.B. Schweiz, Polen, Deutschland, Österreich usw.

**Vorschlag:** Eine Regelung auf europäischer Ebene erarbeiten.

response *Noted*

As indicated in the explanatory note, the Agency and the FCL.001 group received input from the Member States on national ratings. This input was revised, and the group decided that in the case of some of the national ratings mentioned, such as those related to aerial work activities, it was not adequate to develop a rating to include in the licence, but that operational should be mandated in the operational requirements and developed/provided by the operator.

As for the issue of cloud flying, it is currently being discussed in a separate Rulemaking task, FCL.008, on qualifications for flying in Instrument Meteorological Conditions (IMC).

The comments received on A-NPA 14-2006 and on this NPA dealing with the issue of the qualifications to fly in IMC/cloud flying will be taken into account by this working group. The task FCL.008 will result in an NPA which will be submitted to public consultation, and on which you will be able to make your comments.

comment 8236 comment by: *AOPA Sweden*

Ratings other than for classes and types. AOPA Sweden proposes this is not a rating. Therefore, there should be no skill tests. Instead, we propose a solution where the pilot, after successful training, will receive an entry in his logbook, that gives the pilot the "mountain" privileges. This procedure will save recources both at CAA's and for the pilots.

response *Not accepted*

The mountain rating is considered to be a real rating. Please see also the reply to comment 2051.

**B. Draft Opinion Part-FCL — Subpart I: Additional Ratings — FCL.820 Flight tests** p. 43-44

comment 88 comment by: *Lauri KARJALAINEN*

"(a) Holders of a pilot licence for aeroplanes or helicopters shall only undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS-25, CS-23, CS-27 and CS-29 or equivalent airworthiness codes, when they..."

What does this mean? What are standards CS-25, CS-23, CS-27 and CS-29? Where I can find these for to understand, what you mean with this paragraph???

response *Noted*

Certification Specifications (CS) are non-binding standards published by the Agency to be used in the certification process. You can find all the CS mentioned in the NPA in the Agency's website, following this link: [http://www.easa.europa.eu/ws\\_prod/g/rg\\_certspecs.php](http://www.easa.europa.eu/ws_prod/g/rg_certspecs.php).

The reference to these CS in the text of FCL.820 is meant to define the applicability of the Flight Test rating. Please note that the text has been amended as a result of comments received.

comment 304 comment by: *Paweł Góra*

In FCL.820 it is stated that only holders of a pilot licence for aeroplanes or helicopters may have Flight test rating issued into a licence. Who is going to perform flight tests for sailplanes or ballons then? I suggest to extend this rating also to holders of licence for sailplanes and ballons. For example, at the moment, such a rating may be entered into sailplane licence in Poland.

response *Not accepted*

At this stage, and based on the comments received, the Agency only intends to require a flight test rating for:

- helicopters certificated in accordance with the standards of CS-27 or CS-29 or equivalent airworthiness codes

and aeroplanes certificated in accordance with the standards of:

- CS-25 or equivalent airworthiness codes;
- CS-23 or equivalent airworthiness codes, with a maximum take-off mass of 2000 kg or more.

It is possible that in the future the scope of the flight test rating will be extended to other aircraft, as a result of further work.

For the moment, the fact that a flight test rating is not required does not mean that the activity of flight test pilots for other categories of aircraft will not be

subject to any requirements. In fact, requirements for organisations performing flight tests to train pilots and other staff involved in the flight test activity will be included in Part-21.

Please see also the CRD for NPA 2008-20 in this respect.

comment 552

comment by: *Grob Aerospace GmbH*

1. There should be a flight experience criteria related to the Flight Test rating. A holder of a CPL may have only 70 flight hours flight time. The flight experience criteria could be made dependent upon the complexity of the aircraft, i.e less flight hours required for part 23 normal, utility and aerobatic airplanes, and more flight experience required for part 23 commuter and part 25 aircraft. Proposal: 500 hours for the small aircraft and 1500 hours for the large aircraft
2. There should be a statement regarding the validity of the rating, for example the old German TB1/TB2 ratings were valid as long as the ATPL/CPL license was valid.
3. The text should explicitly state that the requirements apply to cat 1/2 tests as pilot-in-command.

response *Partially accepted*

1. Based on the comments received regarding a prerequisite for experience for the flight test rating, the Agency has amended the text of FCL.820. Please see amended text.
  2. The intention of the Agency is not to limit the validity of the flight test rating. Once the rating is issued, it will not expire. Requirements for organisations employing flight test pilots will be put in place to ensure their recency and refresher training.
  3. The Agency has amended the text to clarify the privileges given to holders of the flight test rating. Further requirements on the composition of flight crew for flight test will be included in Part-21. The Agency's view is that:
    - pilots-in-command in both category 1 and 2 flight tests must always hold a flight test rating appropriate for the category of flight test being conducted;
    - in the case of co-pilots for both category 1 and 2 flight tests, they may hold either a category 2 flight test rating, the relevant type rating, or a special authorisation issued in accordance with FCL.700 (b)(1).
- Please see amended text, as well as the CRD for NPA 2008-20.

comment 588

comment by: *trevor sexton*

No mention of flight tests on Annex 2/Permit aircraft.  
EASA should define this.

response *Noted*

Aircraft mentioned in Annex II to the Basic Regulation are excluded from the scope of Community competence, and therefore cannot be regulated in Implementing Rules; they are subject to the national rules of the Member States.

comment

832

comment by: *Heiner Neumann (Test Pilot)***Background:**

I'm holding a Test Pilot rating class 2. I was the responsible Test Pilot for the following projects:

- Porsche: Flight Engine
- FFT: Eurotrainer
- FFT: Speed Canard
- Ruschmeyer: R90
- Extra: Extra 400
- Aquila: A210

**Comments / Proposed rule changes:****Aerobatic rating**

Add in (a) new (3) hold an aerobatic flight rating in the appropriate aircraft category;

**Justification:**

During certification flight testing manoeuvres are required which pursuant to FCL.010 are defined as aerobatic manoeuvre. E. g. spin testing of single-engine aeroplane.

(a) (1) No CPL should be required by default

**Justification:**

I believe that a CPL is only necessary for commercial operation as defined by the Basic regulation. Flight testing of e.g. an aircraft owned by the Test Pilot is not covered by this definition.

(a) (2) ATO

For CS-23 aircraft other than jet aeroplanes and commuter category aircraft the training course at an approved training organisation may be replaced by one year flight testing under supervision of a pilot holding a flight test rating in appropriate aircraft category.

**Justification:**

Design organisations of CS-23 aircraft and components like engines and propellers have not the recourses to send employees to an at least 15 weeks training course. The experience in the last decades as shown that test pilots can be trained in such a way with an appropriate level of safety.

If small companies could not proceed with such "in house training" this had a tremendous economical effect for these companies.

response

**Noted**

(a)(3) and (a)(1)

Not accepted.

The Agency does not agree that holding an aerobatic rating should be a prerequisite for the issue of a flight test rating. The Agency has compared the existing national requirements and pre-entry requisites for the main existing European flight test schools, and the aerobatic rating was not mentioned.

In what refers to the requirements to hold a CPL, on the contrary, the Agency's view is that the additional theoretical knowledge, practical training and experience required for a CPL will represent a safety benefit for applicants for a flight test rating. This view is confirmed by the fact that requiring a CPL as a

prerequisite for the training course is common practice for European schools. Furthermore, the Agency considers that the impact of requiring a CPL will be reduced, since the vast majority of category 1 and 2 flight tests are performed as part of a commercial activity, and the pilot receives remuneration for it, which would already require him/her to hold a CPL.

(a)(2)

Noted.

It is the Agency's view that a training course at an approved training organisation is an essential requirement for the issuance of a flight test rating. Please note however that based on the comments received, the Agency has decided to amend the applicability of the flight test rating in relation to CS-23 aeroplanes.

Please see the reply to comment 304 above.

Furthermore, the Agency has also decided to change the criteria used to determine which CS-23 aircraft are subject to condition 1 or 2 training courses. Condition 1 training courses will be required for aircraft within the commuter category or having an MD above 0.6 and/or a maximum ceiling above 25.000ft. For the remaining CS-23 aircraft with a maximum take-off mass of 2000 kg or more, condition 2 training courses will apply.

In the case of aeroplanes and other aircraft for which a flight test rating is not required, training and recency requirements will be established as part of the requirements for the organisations performing flight tests. Please see the CRD to NPA 2008-20.

comment

914

comment by: *Bernhard Zinser*

**Comment 1:**

The Experimental Flight Rating Class 2 (TB2) formerly issued by the German Luftfahrtbundesamt (LBA) included flight tests analogue to Condition 2 as outlined by NPA 2008-17B.

The applicant for an Experimental Flight Rating Class 2 did not necessarily have to fulfil a "training course" as mentioned in NPA 2008-17B. Regulations also offered the option of **theoretical and practical instruction by an active test pilot for at least 12 months** according to a detailed syllabus published under the guidelines of the German Ministry of Transportation. Another compulsory requirement was the Aerobatic Rating.

In addition to the above, the applicant had to:

- (1) pass a theoretical knowledge examination at the authorities (LBA)
- (2) demonstrate his skills in a practical flight test task in front of an assigned instructor test pilot (holder of an Experimental Flight Test Rating (Class1)).

Overall, an applicant for an Experimental Flight Rating Class 2 had to demonstrate the **same or even a higher degree of knowledge** than a "training course at an approved training organization" (Condition 2) as proposed by NPA 2008-17B.

Taking into account **qualification of Experimental Flight Rating Class 2 and legal protection of possession / status, Part-FCL regulations** shall be changed to contain

- the **continuation** of the Experimental Flight Rating Class 2 or a comparable rating, or at least

- an **acknowledgment / acceptance** of the Experimental Flight Rating Class 2 as "training course at an approved training organization" (Condition 2) according NPA 2008-17B.

This would also reflect the often cited "grandfather law" in NPA 2008-20.

**Comment 2:**

Approved training courses or training organizations might lose approval in the long term. In such a case the pilot, who once participated in an approved course, would not hold an official document by aviation authorities or a licence in his/her hand.

Considering this or a similar situation **it is inevitable that the pilot**, who fulfils all requirements laid down in AMC to FCL.820 (experience, training course, scientific degree), **receives an official acknowledgment by authorities** for the relevant Condition in any form:

- preferably an explicit Test Pilot Licence (Condition x), or at least
- an endorsement of the Flight Test Rating (Condition x) to the pilot licence or the Attachment.

On the one hand the relatively small number of test pilots would justify the establishment of such an official process by authorities. - On the other hand this official acknowledgement would not only meet the needs of the industry, but **mainly the elementary needs and individual rights of the concerned pilots** (EU citizens).

response

*Noted*

Comment 1

In relation to your first proposal, the Agency considers that a specific training course at an approved training organisation is an essential element to ensure that the applicant for a flight test rating will achieve the required level of skill. Of course, the training course should be adapted to the privileges given to the pilot (please see amended text of the AMC to FCL.820), but the Agency considers that it cannot be removed.

As for the transition arrangements, please see the draft cover Regulation, published with this CRD, that is proposing a conversion of existing national qualifications into Part-FCL flight test ratings, ensuring that current privileges are maintained.

Comment 2

Flight test ratings will be endorsed on the pilot's licence. This is generally required for all ratings by FCL.015.

comment

**1161**

comment by: *Pilatus*

**A.1 Introduction**

Pilatus Aircraft Ltd. have reviewed EASA Notice of Proposed Amendment (NPA) No. 2008-17b and NPA No. 2008-20 and recognises the value in attempting to establish guidelines for flight test operations and to standardise the qualifications and experience of flight test crews. Pilatus is an EASA approved Part 21 Subpart-J Design Organisation under which flight testing is performed in accordance with a documented process very similar to that proposed by the NPA. However, Pilatus considers that the proposed regulation does not give sufficient credit for taking a balanced approach to the qualifications and

experience of flight test crews operating in an existing safe and proven environment. Namely, to use highly qualified and experienced supervisors to monitor the activities of personnel with considerable type and role experience. It is the assertion of this company that the proposed amendments will not, in all cases, have the effect of improving standards of practice in flight test, but indeed could have the opposite effect as outlined below. In addition this proposal may have a significant adverse effect on the proven and successful flight test activities currently conducted.

#### A.2 Categories of Flight Test

Categorising flight test into 4 broad categories is something that most personnel engaged in this vocation would agree upon, but difficulties emerge when attempting to place every type of flight test conducted at Pilatus Aircraft Ltd. into one or other of these categories. For example, specialised avionics test flights, which require pilots with appropriate military or civil experience, would in future need to be carried out by test crews with new qualifications but who may lack the appropriate role experience. That is why Pilatus Aircraft Ltd. believes that it is more appropriate to follow a balanced, supervisory approach where experience in the role and on type provides a more efficient and safe solution.

#### A.3 Categories of Aircraft/Engine Type

The NPA splits CS-23 aircraft into categories, to permit a structured approach to crew competence levels depending on the complexity of the aircraft to be tested. While this is considered a practical approach, the reason for placing CS-23 jet aircraft in a higher category than CS-23 turboprop aircraft (which can be more complex than turbojets/turbofans both mechanically and in terms of their effects on aircraft handling and performance) is not clear. There is no precedent in current test pilot training schools to suggest that testing of a jet-powered aircraft requires any greater qualification or training than testing of a turbo-prop powered aircraft. This differentiation would seem unreasonable, resulting in unnecessary restrictions for those testing jet-powered aircraft. It is suggested that a better split would be between single- and multi-engine aircraft (of whatever engine type) due to the additional testing required for multi-engine aircraft. This would better fit with paragraph 17 of the NPA, which states: "The competences and experience depend on the nature of the test and the complexity of the aircraft being tested: the more complex the test and the aircraft are, the higher the qualifications should be."

#### A.4 Flight Test Aircrew Training and Experience

This company has a proven track record of producing and certifying high quality aircraft, and has done so employing many individuals without the formal qualifications proposed in this NPA. Mandating such qualifications across the board, however, would prevent many members of the Pilatus flight test team from continuing their work, and will have considerable detrimental effects on the company's ability to conduct a high proportion of future flight tests.

It is considered that attendance of a "specific course" should not be the only acceptable means of satisfying the training and experience requirements for flight test crews. Introduction of the proposed amendment could result in individuals with the required formal qualification but far less experience on type replacing individuals with less qualification but significantly more experience on type. This would not necessarily represent an improvement in standards of flight test and safety, but could indeed represent the opposite.

Pilatus is an EASA approved Part 21 Subpart-J Design Organisation under

which flight testing is performed in accordance with a documented process. The process is continuously audited and strictly supervised by a Head of Flight Test (FTE) with 25 years flight test experience and a Chief Experimental Test Pilot with all the qualifications required by the NPA. Therefore a suitable supervisory system is utilised with individuals of considerable experience and qualifications supervising the flight test process, as well as ongoing training in flight test related skills.

Flight test personnel are selected for a given task based upon their knowledge and suitability for that task. Training is provided as required by experienced Pilatus staff, external consultants or by attending an approved training course as considered appropriate.

It is suggested that alternative training for staff engaged in all types of testing could be accepted as follows:

- Internal training given by experienced staff who have a proven track record in the industry (and who have been approved by the national authority) should be permitted.
- Experience in flight testing of similar aircraft, either within the company or from previous appointments, should be taken into consideration (including in-house training for all types of aeroplanes). It may be necessary to approve these on a case-by-case basis to ensure that the training received is appropriate to the task to be undertaken. This would also apply to any external crew brought in to carry out an assessment, and could be administered using the Permit to Fly procedure.

The test pilot or FTE must be sufficiently experienced to cope with normal and emergency situations. To cover this, flying currency in the same class of aeroplane as that to be tested, should be maintained (including recent experience of manoeuvres similar to those to be tested). Relevant training (including aeromedical, safety equipment, ejection seat and survival training) as appropriate to the aircraft to be tested should be provided and the aircrew member must be physically fit to the level required to fly in the test aeroplane. Guidelines on acceptable levels of training and timescales for currency (both flying currency and aeromedical/survival training) should be drawn up and publicised.

#### A.5 Specifications for test pilot school courses

Pilatus personnel have undertaken short courses at the various recognised test pilot schools. In some cases these courses do not comply with the seemingly arbitrary requirements set by NPA-17b. In particular the requirement to fly 12 different fixed-wing types during a 15 week course seems quite unreasonable. It is reasonable to suggest that more experience on a far fewer number of aircraft similar to those under test at the test pilots company is more appropriate from an efficiency and safety point of view.

The intention of the 10 month course (required for condition 1 experimental flight test in the NPA) at these schools must also be considered. This course is offered with the intention of training government-sponsored test crews to carry out all possible future government test programmes, and as such offers significant training in such subjects as fly-by-wire flight control systems and transonic handling characteristics. Such training would clearly represent an unnecessary waste of time and money for a commercial organisation such as Pilatus Aircraft Ltd.

A.6 Conclusion

Pilatus Aircraft Ltd. flight test personnel will, at one stage or other, be involved in every type of flight test as defined in the proposed amendment. This company takes a responsible and balanced approach to its flight test personnel, as it would be prohibitively expensive to employ exclusively graduate test pilots and graduate flight test engineers from the 5 recognised schools. Pilatus believes that a balanced approach to crew experience, combined with on-the-job training, and appropriate specialised training, and defined and proven practice and process would meet the intent of the NPA and enhance flight safety with an acceptable level of investment without significant financial burden on the industry. Therefore Pilatus cannot agree to the content of this NPA and specifically opposes the requirements set forth in A.3, A.4 and A.5.

response *Noted*

A.1

Thank you for providing your opinion. However, the Agency considers that between the requirements included in Part-FCL and those in Part-21, it has reached a balanced approach to the issue of flight tests. In addition, appropriate transition measures have been put in place to ensure that current expertise is not lost.

A.2

For more details on which flights are included in the several categories of flight tests, please see the CRD to NPA 2008-21. Please note that the requirements in Part-FCL only regulate the issue of the flight test rating. Further requirements on the conduction of flight test themselves (including requirements for the organisations and the training of their staff) are included in Part-21.

A.3

Based on the comments received, the Agency has amended the applicability for the flight test rating. Please see the reply to comment 304 above.

A.4

Please note that the requirements proposed in FCL.820 are not transition measures but meant to be applied for the future. In relation to transition measures please see the cover regulation published with this CRD.

In relation to the requirement for the training course to be conducted at approved training organisation, please note that article 7(3) of the Basic Regulation requires organisations providing training for pilots to hold a specific approval. However, nothing will prevent your organisation to apply for such an approval, or to enter into a specific arrangement with an ATO.

A.5

The requirements proposed by the Agency were not arbitrary, but based on an assessment that had been conducted by the JAA (please see Explanatory Note for NPA 2008-20).

However, please note that based on the comments received the Agency has amended the text of the AMC to FCL.820.

Please note also the fact that AMCs are not binding standards, and that alternative means of compliance may be used, as long as the requirements in the rule are met and an equivalent level of safety is reached.

A.6

The Agency acknowledges your opinion, but you give no concrete alternative proposals. Please see the replies above, and the amended text.

comment

1234

comment by: ENAC

**FCL. 820**

It should be stated that in order to carry out flight test, a pilot should be in possession of adequate qualification issued by the competent Authority.

(a) the applicability must be extended also to CS22, VLA, VLR otherwise it is not consistent with the Regulation n. 216/08 Art. 5(4)(a)(c) . "Approved by competent Authorities" should be added.

Cat.3 and 4 flights pilots requirements for qualification and training should be added.

response

*Noted*

FCL.820

Flight test ratings will be endorsed on the pilot's licence. This is generally required for all ratings by FCL.015.

(a)

Please see the reply to comment 304 above.

Requirements for the qualification and training of pilots for category 3 and 4 flight test are included in Part-21. Please see CRD to NPA 2008-20.

comment

1246

comment by: EADS CASA

**FCL.820 ( a )**

FCL. 820 ( a ) require a training course in an approved training organization for the two pilots involved in category 1 or 2 flights.

AECMA proposal made in 1998 limited the new training requirements only to the pilot in command involved in experimental flights. The AECMA proposal reflects the usual practice followed by the industry

As all the test flights for development and certification purposes are Cat 1 or 2 and, according to the new EASA proposal, the test pilot course is required for pilot and co-pilot engaged in both categories of flights, the proposed NPA is increasing more than four times the number of pilots having completed the training course, over the AECMA proposal.

Pilots currently engaged only in Cat 2 of test flights will not be allowed to work in the future in any of the flights Cat 1 needed for development and certification, or to modify his/her scope for cat 2 flights...In this respect, it is important to remark that pilots currently engaged in equivalent to Cat. 2 flights, with experience in the different stages of the design and development of a specific project, and familiar with the flight test procedures followed by the DOA organisation provide a safety contribution higher than through a pure academical training course.

The field for test pilot's recruitment by the aeronautical industries is dramatically reduced.

The rule shall consider alternative procedures proposed by the manufacturers for qualification of flight crews like the practice followed by some manufactures, that is consistent with the AECMA proposal, employing in experimental flights tests pilots that have completed a course in a well recognized Military Flight Test Training Schools. These procedures would be

incorporated in the FTOM or within the DOA handbook and would be approved by the authority.

**FCL 820 ( a ) ( 2 ).**

Subpart I of Part FCL as proposed in NPA 2008 - 17 b requires through FCL.820 that pilots involved in category 1 or 2 flight tests have to complete a training course at an approved training organisation.

Proposed Appendix XII to Part 21 (NPA 2008 - 20) requires through paragraph ( c ) (1) that pilots involved in flight tests of categories 1 and 2 shall comply with the conditions established in Part FCL.

Being the purpose of the above proposals to establish detailed requirements for the qualifications/competences of flight test pilots performing category 1 and 2 test, the regulatory proposal is incomplete and is not consistent if the requirements for the approval of the Flight Test Training Organisations are still to be published.

Additionally, the consultation period for the NPA 2008 - 17 b, NPA 2008 - 20, and the envisaged NPA covering the requirements for the Flight Test Training Organisations should have at least a coincident period for comments.

**FCL.820 ( c ) ( 2 )**

Demonstration flights of a non-type certified aircraft are included in Cat 2 flight tests. Consequently, as stated in the NPA, these flights can not be performed by a pilot not having completed the required training course. As the usual needs and practice for the industry for this kind of commercial demonstration flights require that a customer pilot flights at controls, an exception must be granted in the NPA in order to consider this situation and to allow these kind of flights to be performed with a customer pilot at controls provided that the company flight test crew is on board

response

*Noted*

FCL.820 (a)

In relation to the issue of pilot-in-command/co-pilot qualifications, please see the reply to comment 552 above.

As for the issue of pilots currently conducting flight test, please see the transition measures proposed in the draft cover regulation published with this CRD. The Agency's intention is that no pilot will lose its current privileges.

As for your point in relation to military schools, please note that nothing prevents military schools from requiring an approval as a civil ATO and providing courses for civil pilots, as long as the requirements are met.

FCL.820 (a)(2)

Draft requirements for ATOs providing flight test courses were published for public consultation in December 2008 (NPA 2008-22). For at least 3 months the consultation periods for the 3 related NPAs (2008-17, 2008-20 and 2008-22) coincided to give stakeholders the opportunity to comment.

Please see also the CRD to those NPAs.

FCL.820 (c)(2)

This issue is covered by the clarification of pilot-in-command/co-pilot qualifications.

Please see the reply to comment 552 above.

comment

1338

comment by: *EADS MAS Flight Test*

1. Licensing

1.1. It is fully agreed, that it is not necessary to create a specific flight test

licence (as explained in Para. IV. 8.)

- 1.2. The qualification for pilots trained for and engaged in Category 1 or 2 flight testing should be linked to their licence as a "rating" or "other rating" giving them the necessary privileges (see 2. and 3.) to do their job (i.e. Test Pilot Cat. 1 or Test pilot cat. 2).

## 2. Permit to fly

- 2.1. A pilot trained and rated (acc. 1.2) corresponding to Category 1 (NPA V.24.2.b.1.) shall be generally authorized to perform flights based on a permit to fly without specific approval by national authorities or JAA, provided that he/she has been involved in the development process of the specific type of aircraft.

This includes maiden flights, opening or expansion of the operating envelope.

- 2.2. A pilot trained and rated corresponding to Category 2 shall be authorized to perform flights based on a permit to fly within the cleared operating envelope without specific approval by national authorities or JAA.

## 3. TRI/TRE

- 3.1. A pilot trained and rated (acc. 1.2) corresponding to Category 1 (NPA V.24.2.b.1.) shall be generally authorized to instruct and evaluate other pilots on each type of aircraft he/she holds a type rating for.

- 3.2. A pilot trained and rated (acc. 1.2) corresponding to Category 1 (NPA V.24.2.b.1.) shall be generally authorized to instruct and evaluate other test pilots on aircraft operated based on a permit to fly (i.e. new test pilot joins an organisation and shall be introduced into a development program).

4. Our proposed changes to the NPA are equivalent to a large extent to the former German flight test regulations (LuftPersV §§ 99 – 102, etc.) being lifted with introduction of JAR-FCL and never been replaced since.

response *Not accepted*

Thank you for providing this input, but the Agency cannot accept the changes you propose. They seem not to have been drafted with the purpose of being included in Part-FCL, and the Agency does not really understand their intent.

comment *1412*

comment by: *Thielert Aircraft Engines*

To avoid creating an undue burden on small organisations testing aircraft up to 2000 kg MTOW should also be allowed by holders of a PPL having a certain (TBD) number of flight hours as pilot-in-command in the appropriate aircraft category. Requiring a CPL license is no guarantee for safety improvement. The training requirement for the flight test crew should be related to the intended test activity.

Current LBA procedure and guidance allows that cat. 1 and 2 flight test on aircraft up to 2000 kg MTOW may be performed by pilots having following qualification:

- CPL, or PPL + 600 hrs PIC
- Aerobatic rating

	<p>- being instructed theoretically and practically by a test pilot over a period of approximately 12 month There are no indications that this practice has led to a reduction in safety.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comments 304 and 832 above.</p>
comment	<p><b>1506</b> <span style="float: right;">comment by: <i>Volker ENGELMANN</i></span></p> <p>A CPL is not a qualification necessary, to increase flight safety on test flights. To perform flight characteristics and handling qualities in extrem conditions an aerobatic license seem to be of more importance rather than to hold a CPL.</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 832 above.</p>
comment	<p><b>1919</b> <span style="float: right;">comment by: <i>MT-Propeller Entwicklung GmbH - DOA EASA 21J.020</i></span></p> <p>FCL.820 (a)(1)</p> <p>Regarding the safety of flight test activities, it is recommended that flight test pilots must have at least completed a Crew Resource Managment (CRM) training course as it is currently required in JAR-OPS since many flight test are conducted with one or more crewmembers. An appropriate level of competence in knowledge must be maintained by regular CRM training courses.</p> <p>(a)(2)</p> <p>The main concerns of existing flight test crews are that their flight qualifications and their experimental flight rating (e.g. LBA TB-1 and TB-2) which were hard to obtain, and which were very expensive, must be retained without any cut back on. Therefore the grandfather rules are very interesting but unfortunately these grandfather rules are not listed in this NPA.</p>
response	<p><i>Noted</i></p> <p>(a)(1)</p> <p>Thank you for your comment. The Agency agrees that some sort of crew resource management training should be given to flight test pilots operating in a multi-crew environment. However, this training is not related to the pilot's licence or rating, but to the training they receive within the operator for which they work. Therefore, reference to this training will be included in the requirements for organisations undertaking flight tests, and it should be included in their Flight Test Operations Manual. Please see the CRD for NPA 2008-20.</p> <p>(a)(2)</p> <p>In what regards transition measures, please see the draft cover regulation published with this CRD. The Agency's intention is that no pilot loses his/her current privileges.</p>
comment	<p><b>2146</b> <span style="float: right;">comment by: <i>Nigel Roche</i></span></p> <p>I would suggest that both: (b) Category 1 flight tests include the following:</p>

	(c) Category 2 flight tests include the following:  are deleted as they are not relevant to the FCL which about flight crew licensing. Paragraph (a) refers the reader to Commission regulation 1702/2003
response	<i>Accepted</i>  Paragraphs (b) and (c) have been deleted. The definition of flight test categories will be included only in Part-21.
comment	2337 <span style="float: right;">comment by: <i>AECA(SPAIN)</i></span>  (c) - is Category 2 required for maintenance air tests? It should not be. Justification: If flight test rating is required for maintenance air tests this could cause problems for helicopter operators as all pilots would require this rating.
response	<i>Noted</i>  Maintenance tests are not included in the categories of flight test as defined in Part-21. For more details on this issue, please see the CRD to NPA 2008-20.
comment	2504 <span style="float: right;">comment by: <i>NAA-PL</i></span>  Holders of a pilot licence for aeroplanes or <del>helicopters</del> rotorcrafts shall only undertake category 1 or 2 flight tests for <b>research and development</b> and the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS-25, CS-23,CS-27, and CS-29 or equivalent airworthiness codes, when they  (1) Hold AT least a CPL In appropriate aircraft category: (2) Have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights. <b>(3) Have appropriate Flight Test Rating Class 1 or 2 in his licence</b>
response	<i>Not accepted</i>  Thank you for your proposals, but the Agency has not accepted them, even though it has amended the text based on the comments received.
comment	2521 <span style="float: right;">comment by: <i>ETPS CI</i></span>  <u>FCL.820 Flight tests</u>  <i>Holders of a pilot licence for aeroplanes or helicopters shall only undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003...</i>  <b>Comment 2:</b> This regulation does not define the required co-pilot qualification. Co-pilots require training in flight test in the same way as pilots in command. Recommend that the minimum required co-pilot qualification is one category below the minimum required category of the pilot in command.
response	<i>Noted</i>

Please see the reply to comment 552 above.

comment

2549

comment by: Airbus

**THIS COMMENT IS SUBMITTED ON BEHALF OF ASD**

**AFFECTED PARAGRAPH:**

**FCL.820 Flight tests**

**PROPOSED CHANGE:**

(a) Holders of a pilot licence for aeroplanes or helicopters shall only undertake, *as pilot in command*, category 1 or 2 flight tests ~~for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003, as defined in Appendix XII to Part 21, performed under a permit to fly issued in accordance with paragraph 21A.711 of Part 21, for aircraft categories relevant to the standards of~~ CS-25, CS-23, CS-27 and CS-29 or equivalent airworthiness codes, when they

(1) hold at least a CPL in the appropriate aircraft category;

(2) have *successfully* completed a training course at an approved training organization appropriate to the intended aircraft and category of flights.

*(b) The privileges of the holder of a category 1 flight test rating are to act as a pilot in command in flight tests of categories 1, 2, 3 or 4 conducted by his/her organisation, in accordance with his/her organisation's Flight Test Operations Manual.*

*(c) The privileges of the holder of a category 2 flight test rating are to act as a copilot in flight tests of category 1, and as a pilot in command in flight tests of categories 2, 3 and 4 conducted by his/her organisation, in accordance with his/her organisation's Flight Test Operations Manual.*

*(b) Category 1 flight tests include the following:*

~~(1) initial flights of a new type of aircraft or of an aircraft of which flight or piloting characteristics have been significantly modified;~~

~~(2) flights to investigate novel or unusual aircraft design features or techniques;~~

~~(3) flights to determine or expand the flight envelope;~~

~~(4) flights to determine the specified performances, flight characteristics and handling qualities in extreme conditions.~~

*(c) Category 2 flight tests include the following:*

~~(1) Flights done in the part of the flight envelope that has already been opened and comprising manoeuvres during which it is not envisaged to encounter flight or handling characteristics significantly different from those already known;~~

~~(2) Display flights and demonstration flights of a non-type certificated aircraft;~~

~~(3) Flights conducted for the purpose of determining whether there is reasonable assurance that the aircraft and its parts and appliances are reliable and function properly.~~

**JUSTIFICATION:**

- More accurate wording for subparagraph (a), in line with our proposal for FCL.700(c);
- New subparagraphs (b) and (c) to describe flight test rating holder's

	<p>privileges</p> <ul style="list-style-type: none"> <li>Former subparagraphs (b) and (c) to be deleted, as it is sufficient to cross-refer to categories of flight test that shall be defined in Part 21 Appendix XII.</li> </ul>
response	<p><i>Partially accepted</i></p> <p>Please see amended text.</p>
comment	<p>2759 comment by: <i>French Fédération Française Aéronautique groups the 580 French powered flying aer-clubs and their 43 000 private pilots</i></p> <p>FFA agrees with the requirement "CPL with a specific training" as far as it does not concern flights conducted on a non complex aircraft after an overhaul or maintenance operation. FFA asks that this statement be added to the text.</p>
response	<p><i>Noted</i></p> <p>Thank you for your feedback. The flights you mention are not included in the definition of flight test categories, as included in Part-21 (please see CRD to NPA 2008-20). As for the scope of aircraft that require a flight test rating, please see the reply to comment 304 above and the amended text.</p>
comment	<p>2970 comment by: <i>Polish Aviation Authority, Aviation Technical Department</i></p> <p>NPA text: (a) Holders of a pilot licence for aeroplanes or helicopters shall only undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS-25, CS-23, CS-27, and CS-29 or equivalent airworthiness codes, when they</p> <p>Proposed text: Holders of a pilot licence for aeroplanes or <del>helicopters</del> rotorcrafts shall only undertake category 1 or 2 flight tests for <b>research and development and</b> the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS-25, CS-23, CS-27, and CS-29 or equivalent airworthiness codes, when they</p>
response	<p><i>Not accepted</i></p> <p>Please see the reply to comment 2504 above.</p>
comment	<p>2971 comment by: <i>Polish Aviation Authority, Aviation Technical Department</i></p> <p>NPA text: (a) (1) hold AT least a CPL In appropriate aircraft category: (2) have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights.</p> <p>Proposed text: (a) (1) Hold AT least a CPL In appropriate aircraft category:</p>

(2) Have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights.  
 (3) Have appropriate Flight Test Rating Class 1 or 2 in his licence.

response *Not accepted*

Please see the reply to comment 2504 above.

comment 3085

comment by: *Didier POISSON*

"in the appropriate aircraft category" is a generic term which is used all along the NPA and which may have different meanings depending of the subpart. For the Flight test subpart, as there are only three different categories of aircraft which are considered for flight test training courses (helicopter, light aircraft (CS 23), all aircraft (CS 25 and CS 23)), the CPL to be held should be "in the aircraft category as given in the AMC 820" page 293 of this NPA version.

response *Noted*

The expression 'category of aircraft' is defined in FCL.010. It differentiates aircraft, taking into account basic characteristics, into aeroplanes, helicopters, etc. It does not differentiate any further.

So in this case, applicants should hold a CPL in aeroplanes or helicopters, depending on which category of aircraft they intend to have the privilege to conduct flight tests on.

comment 3280

comment by: *REGA*

**STATEMENT**

Experienced CPL Pilots should be allowed to perform the usual technical check flights (e.g. after a 300 hours control).

**PROPOSAL**

Create an further category for checks flights. We propose to demand a total flight experience on helicopters of 1'000 hours (as PIC) and including minimum 100 hours on the specific (checked) type of helicopter.

response *Noted*

The flights you mention are not included in the definition of flight test categories, as included in Part-21 (please see CRD to NPA 2008-22).

comment 3447

comment by: *Boeing*

**Boeing Commercial Airplanes comment re:  
NPA 2008-17b**

Page: 43

Paragraph: FCL.820 - Flight Tests

Boeing considers that this section is not needed and should be removed from NPA 2008-17b in its entirety. If FCL.820 is not removed, then we have included additional comments that apply to amending it and its associated AMC.

Boeing considers that this section is not needed and should be removed from NPA 2008-17b in its entirety. If FCL.820 is not removed, then we have included additional comments that apply to amending it and its associated AMC.

**JUSTIFICATION:** No other regulatory agency requires a flight testing specific license endorsement or "a training course at an approved training organization appropriate to the intended aircraft and category of flights." There is no precedent or valid reason for this section. It does not promote a higher level of safety.

Individuals and organizations conducting Category 1 and 2 flight tests have an inherent need to prepare and train for flight test to mitigate risk. This can be done in many ways. The requirement for an ATO to provide training or, even worse, the course-specific, time-based concept in the proposed FCL.820 and the AMC to FCL.820 does not reflect an understanding of Industry best practices and is impracticable, expensive, and unnecessary. Existing schools do not and cannot train all the theory and related flight test procedures required in commercial aircraft certification. Some techniques and related training used in flight tests on commercial aircraft are developed by manufacturers and are considered proprietary information.

Boeing currently performs many test/verification flights. Pilots conducting these operations have been trained and qualified by a variety of internal methods for over 50 years. We feel that our training programs are appropriate, tuned to Boeing's test pilot training needs, meet our operational requirements, and, at the same time, meet stringent safety and standardization requirements.

The proposed NPA requirement, if implemented, will severely limit Boeing's ability to conduct test flights in Europe or on European registered aircraft, will introduce an unneeded additional layer of Industry oversight and expense, and could lead to unsafe conditions where qualified and experienced Boeing test pilots have to be replaced by less experienced, locally licensed pilots

response *Not accepted*

Thank you for providing your comment, but the Agency considers that a flight test rating is needed and will bring not only safety benefits for the flight test activity, but also benefits for individual pilots, by allowing mutual recognition of their privileges.

comment 3448

comment by: *Boeing*

**Boeing Commercial Airplanes comments re:  
NPA 2008-17b**

Page: 43

Paragraph: FCL.820(a)(2) - Flight Tests

If EASA determines that proposed paragraph FCL.820 (Flight tests) should be retained, then Boeing requests that the text of paragraph (a)(2) be replaced by a general requirement to require training for the specific flight testing activity or relevant flight test experience prior to acting as PIC for these category flights.

We suggest the following as alternative wording for paragraph (a)(2): (NOTE: Use of this suggested text would also eliminate the need for the *AMC to FCL.820, Conduct of flight tests – Training course*; page 343.)

***"(a)(2) have had training or flight test experience appropriate to the flight test to be conducted prior to acting as PIC for Category 1 or 2 flights:***

- *Pilots acting as PIC for Category 1 and 2 flight tests may be trained and qualified by a variety of methods by operator organizations (airlines, maintenance providers, and manufacturers). These methods include internal training programs that include acting as SIC while receiving training on actual Category 2 flights. Test pilot training and qualification may also be accomplished at military and civilian test pilot schools or at ATOs offering training relevant to the flight tests required for civil aircraft certification.*
- *Flight training and qualification of SIC pilots as PICs for Category 2 test flights may be conducted during actual Category 2 flights on multi-piloted aircraft by a PIC qualified to conduct the relevant flight test activities.*
- *Operator (manufacturer, airline, and maintenance facility) pilots actively working as test pilots on the date the NPA becomes law are considered meeting the training requirements of this paragraph and are permanently exempt from any FCL.820 formal training course requirement.*
- *Regulatory agency (EASA, FAA, Transport Canada, etc) pilots and their Designated Engineering Representative or Authorized Representative (DER or AR) pilots are exempt from the training requirement of FCL.820."*

-----  
**JUSTIFICATION:** Flight test training needs for Category 1 and 2 flight tests can be met in several ways and should not be prescribed by EASA. A non-specified approach to test pilot training is cost-effective and focuses organizational training resources on specific tests on specific models of aircraft as needed. Specific training requirements and harmonization of flight test training should not be an EASA goal. A Bachelor of Science or equivalent University standard is not germane. Adequate practical knowledge can be learned in many ways; formal education is only one method. The requirement for the AMC's duration/ground training hours/ flight hours/aircraft types is not needed. It does not reflect an understanding of Industry best practices. The NPA's proposed text also makes no differentiation of pilot duties in multi-piloted aircraft. Any revised FCL.820 text should reflect adequate prior training or experience on the part of the PIC only. Experienced test pilots should be permanently "grandfathered" into the rule. Designated Engineering Representative and Authorized Representative (DER and AR) test pilots and regulatory agency test pilots have met strict background criteria requirements and also should be specifically exempted. Lastly, Boeing conducts flight test training and qualification on actual flight tests. This has proven safe, effective, and directly relevant to corporate needs. It is most important to Boeing that this be recognized and expressly authorized by EASA in any rewrite of this section of the proposed regulation.

response

*Not accepted*

Thank you for providing your input, but the Agency cannot accept your proposals. They are drafted in a way that does not provide the necessary legal certainty for applicants.

It also includes references to military activities, which are outside the scope of Community competence, and are to be regulated at national level.

However, please note that the Agency has amended the text of FCL.820 based on the comments received. The Agency considers that the amended text presents a balanced and safety minded approach to the flight test activity.

comment

comment by: *Industry Group (Airbus, Alteon Training, Bell Helicopters, Boeing, CAE, CTC Aviation Group, ECOGAS, Flight Safety International, 3886 IAAPS (International Association of Aviation Personnel Schools), IACA, IATA, KLM Luchtvaartschool, Lufthansa Flight Training, TUI Group Airlines)*

**FCL 820 & AMC FCL 820**

**Comment:**

Operators are presently performing test/verification flights e.g. after major maintenance operations or aircraft modifications. Each airline has their own qualified pilot for this purpose. Those pilots must follow a specific training course. Introduction of § FCL 820 create confusion. There should be clarification/definition of what is today known as "maintenance checks flights referred to in Regulation 2042/2003 Part M% § M.A.301, versus flight test.

**Question:** Would the case of verification flight after a modification belongs to Category 4 flight test?

**Proposal:** To avoid any ambiguity, it would be wise to include in GM material some clarification, so that Operators can identify easily what is meant by flight test versus maintenance check flights and the definitions of all flight test categories as finally approved from NPA 2008-20 Flight testing should be included as well. A matrix of flight categories and their associated required qualification/rating would be very useful. See tentative proposal attached.

-----

**Suggested guidance material for FCL .8/20**

**• Categories of flight tests are defined in Annex XII to Part 21 and may read as follows:**

(b) Categories of flight tests

Flight tests include the following four categories:

(1) Category One

- Initial flight(s) of a new type of aircraft or of an aircraft of which flight and/or piloting characteristics may have been significantly modified.
- Flights to investigate novel or unusual aircraft design features or techniques.
- Flights to determine or expand the flight envelope.
- Flights to determine the regulatory performances, flight characteristics and handling qualities in extreme conditions.

(2) Category Two

- Flights done in the part of the flight envelope already opened and comprising manoeuvres, during which it is not envisaged to encounter flight and/or handling characteristics (performance and flying qualities) significantly different from those already known.
- Display flights and demonstration flights of a non-type-certificated aircraft.
- Flights conducted for the purpose of determining whether there is reasonable assurance that the aircraft, its parts and appliances are reliable and function properly.

- Training flights aimed at acquiring a flight test rating.

(3) Category Three

- Flights performed prior to issuance of an individual certificate of airworthiness in order to establish the conformity of the relevant aircraft production to the approved type design.

(4) Category Four

- Flights performed after embodiment of a new not yet approved design change which :

- o does not require specific flight test skills;
- o does not need an assessment of the general behaviour of the aircraft;
- o does not change significantly the crew procedures; and
- o does not need an assessment of the crew procedures when the new or modified system is operating.

• **Clarification with regards to test/ verification flights following maintenance or aircraft modifications**

- need to expand on classification of the flight and the required qualification/rating to perform such test/verification flight, which does not necessarily belong to Category 1 or 2, which are the sole ones currently described under FCL.820.

response *Noted*

Maintenance check flights are not included in the definition of flight test categories in Part-21. Please note that the Agency has amended the text, and now only Part-21 includes a definition of flight test categories. For further details, please see the CRD to NPA 2008-20.

comment

3994

comment by: *DGAC FRANCE*

FCL.820 (a) Flight tests

The flight test rating must be appropriated to CAT1 or CAT2 test flights

Copilot in test flights need flight test training only when flying a Category 1 flight.

FCL.820

(a) .....

(1) hold at least a CPL in the appropriate aircraft category ;

(2) ~~have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights.~~ **hold, as Pilot in command, a flight test rating appropriated to the category of flights, or**

**(3) hold, as copilot at least a category 2 flight test rating, when flying a CAT 1 flight or at least a type rating when flying a CAT 2 flight.**

response *Partially accepted*

Please see the reply to comment 552 above.

comment 3997 comment by: DGAC FRANCE

FCL 820 (c)

Flight test training must be considered as test flights

Add a fourth paragraph in (c) :

(c) Category 2 flight tests include the following :

(1).....

(2).....

(3).....

**(4) training flights aimed at acquiring a flight test rating.**

response *Noted*

Please note that the Agency has amended the text, and now only Part-21 includes a definition of flight test categories. For further details, please see the CRD to NPA 2008-20.

comment 4002 comment by: DGAC FRANCE

FCL 820

Add paragraphes (e), (f), (g), (h) to comply with 216 Annex III § 1.c.2 and 1.e.2 :

**(d) training course : Applicants for a flight test rating shall have completed a training course at an approved flight test training organisation. The training course shall be based on the training syllabi for the relevant flight test categories defined in Annex ((XX)The detailed syllabus must be given).**

**(e) Skill test. After the completion of the training, the applicant shall pass a skill test with an flight test examiner qualified for this purpose. The skill test shall contain a written and/or a verbal examination of theoretical knowledge and a test flight on the aircraft of the appropriate category.**

**(f) Validity. The flight test rating shall be valid for a period of 12 months.**

**(g) Revalidation. For a revalidation of a flight test rating, the applicant shall :**

**(1) have completed at least 25 flight test hours in the past 12 months; or**

**(2) pass a proficiency check with a flight test examiner**

**(3) For at least every third revalidation the applicant shall comply with the requirement in the paragraph (2) above.**

**(h) Renewal: If the rating has lapsed, the applicant shall comply with the requirement in the paragraphe (g) (2) above.**

response *Not accepted*

(d)

The Agency considers that the main elements of the training course need to be included in Part-FCL, and not just contain a reference to Part-21. Please see amended text of FCL.820 and the related AMC.

(e)

The Agency considers that due to the specific nature of the flight test activity, a skill test is not appropriate. The course should be based on continuous evaluation, and ensure that the applicant reaches an adequate level of skill. Please see amended text of FCL.820 and the related AMC.

(f), (g) and (h)

The intention of the Agency is not to limit the validity of the flight test rating. Once the rating is issued, it will not expire. Requirements for organisations employing flight test pilots will be put in place to ensure their recency and refresher training.

comment

4037

comment by: *phil mathews*

Grandfather rights must be available to those already involved in flight testing

response

*Noted*

As regards the transition measures, please see the draft cover regulation published with this CRD. The Agency's intention is that no pilot loses his/her current privileges.

comment

4358

comment by: *Walter Gessky***1) FCL.820 Flight tests**

Add the following in the title:

**Flight Test *Rating***

Justification:

Except for flight test in all other cases the word rating is added to the title.

response

*Accepted*

Editorial correction accepted. Text has been amended accordingly.

comment

4359

comment by: *Walter Gessky***1) FCL.820 (a)**

Change the following:

(a) Holders of a pilot license for airplanes or helicopters **rated for condition 1 and 2 flight tests are only entitled, without holding a type rating, to** undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS25, CS23 **except ELA aircraft**, CS27 and CS29 or equivalent airworthiness codes, when they....

Justification:

Reference to condition 1 and 2 should be added, because definition for condition 1 and 1 should be included in Part 21. The minimum qualification requirement of flight test pilots depends on the complexity of the product design and criticality of the handling of the product. This is a design and type certification problem and has to be regulated in

response	<p>Part 21 and not in Part-FCL. Part-FCL regulates under what conditions the Part 21 demands has to be executed.</p> <p><i>Partially accepted</i></p> <p>Please see the amended text and also the reply to comment 304 above.</p>
comment	<p>4360 <span style="float: right;">comment by: <i>Walter Gessky</i></span></p> <p><b>1) FCL.820 (a)(1)</b>  Change the following:  <b>(1) <del>held at least a</del> Minimum qualification, as required for a CPL, in the appropriate aircraft category, with the minimum flight experience as required in the effected aircraft category;</b>  Justification:  To hold a CPL might not be required in all categories, but the minimum qualification requirements as required for a CPL like age, flight hours, additional ratings like ME or IFR might be required (for CS-23 ELA aircraft in addition an acrobatic rating would be in certain cases more appropriate).</p>
response	<p><i>Not accepted</i></p> <p>The Agency does not understand the purpose of your proposal. For both aircraft categories concerned (aeroplanes and helicopters) a CPL exists and is required to develop commercial activities for remuneration.  Please see also the reply to comment 832 above.</p>
comment	<p>4361 <span style="float: right;">comment by: <i>Walter Gessky</i></span></p> <p><b>1) FCL.820 (a)(2)</b>  Add the following:  (2) have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights. <b>The training shall cover at least Performance, Handling Qualities, Systems and Test Management, and Risk/Safety Management.</b>  Justification:  At least the minimum information with regard to the syllabus for FT rating training has to be added to the rule.</p>
response	<p><i>Accepted</i></p> <p>Text has been amended accordingly.</p>
comment	<p>4362 <span style="float: right;">comment by: <i>Walter Gessky</i></span></p> <p><b>1) FCL.820(a)</b>  Add a new (3):  When <b>in house flight test training for category 1 and 2 flight test pilots is done by adequately approved Design Organization or Production Organization, where the policy is included in the flight test manual, than a FTO Approval according to Part FCL/OR is not required.</b>  Justification:  When in house training is done by a DO or PO similar to Part 66, 145 and 147 no Trainings Organization Approval is required, when the policy is</p>

response	<p>included in the approved flight test draining manual.</p> <p><i>Not accepted</i></p> <p>Please note that in accordance with article 7(3) of the Basic Regulation, organisations providing training for pilots need to hold an approval as a training organisation.</p>
comment	<p>4363 <span style="float: right;">comment by: <i>Walter Gessky</i></span></p> <p><b>1) FCL.820 (b)</b> Delete (b):</p> <p><del>(b) Category 1 flight tests include the following:</del>  <del>(1) initial flights of a new type of aircraft or of an aircraft of which flight or piloting characteristics have been significantly modified;</del>  <del>(2) flights to investigate novel or unusual aircraft design features or techniques;</del>  <del>(3) flights to determine or expand the flight envelope;</del>  <del>(4) flights to determine the specified performances, flight characteristics and handling qualities in extreme conditions.</del>  <del>(c) Category 2 flight tests include the following:</del>  <del>(1) Flights done in the part of the flight envelope that has already been opened and comprising manoeuvres during which it is not envisaged to encounter flight or handling characteristics significantly different from those already known;</del>  <del>(2) Display flights and demonstration flights of a non type certificated aircraft;</del>  <del>(3) Flights conducted for the purpose of determining whether there is reasonable assurance that the aircraft and its parts and appliances are reliable and function properly.</del></p> <p>Justification: The Definition of categories is a type design task and should be regulated in Part 21. Rating shall be issued for the condition. This is required for the free circulation of FTP.</p>
response	<p><i>Accepted</i></p> <p>Paragraphs (b) and (c) have been deleted. The definition of flight test categories will be included only in Part-21.</p>
comment	<p>4364 <span style="float: right;">comment by: <i>Walter Gessky</i></span></p> <p><b>1) Add a new FCL.820(b):</b>  <b>Condition 1 flight test rating:</b>  <b>The condition 1 rating is required for Category 1 flight test CS-25, CS-23 jet and CS23 Commuter airplanes and CS-27 and CS-29 helicopters.</b>  <b>Condition 2 flight test rating:</b>  <b>The condition 2 rating is required for Category 1 flight test on other CS-23 airplanes except ELA products and for Category 2 flight tests.</b></p> <p>Justification: The table should be deleted because the definition for conditions and categories is a type certification issue and shall be regulated in part 21. The</p>

	definition of Condition 1 and 2 is a rule and shall be added here.
response	<p><i>Not accepted</i></p> <p>The definition of the conditions is relevant for FCL issues, but only for the definition of the syllabus for the training courses. Therefore, the Agency considers that it should remain in the AMC to FCL.820.</p>
comment	<p>4407 <span style="float: right;">comment by: <i>Bond Offshore Helicopters</i></span></p> <p>(c) - is Category 2 required for maintenance air tests? It should not be.</p> <p>Justification: If flight test rating is required for maintenance air tests this could cause problems for helicopter operators as all pilots would require this rating.</p>
response	<p><i>Noted</i></p> <p>Maintenance check flights are not included in the definition of flight test categories in Part-21. Please note that the Agency has amended the text, and now only Part-21 includes a definition of flight test categories. For further details, please see the CRD to NPA 2008-20.</p>
comment	<p>4650 <span style="float: right;">comment by: <i>Héli-Union</i></span></p> <p>(c) - is Category 2 required for maintenance air tests? It should not be.</p> <p>Justification: If flight test rating is required for maintenance air tests this could cause problems for helicopter operators as all pilots would require this rating.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 4407 above.</p>
comment	<p>4865 <span style="float: right;">comment by: <i>HUTC</i></span></p> <p>(c) - is Category 2 required for maintenance air tests? It should not be.</p> <p>Justification: If flight test rating is required for maintenance air tests this could cause problems for helicopter operators as all pilots would require this rating.</p>
response	<p><i>Noted</i></p> <p>Please see the reply to comment 4407 above.</p>
comment	<p>5305 <span style="float: right;">comment by: <i>AEA</i></span></p> <p><b>Comment:</b> NPA 2008-20 describes four categories of test flights. NPA FCL addresses only two categories.  <b>Proposal:</b> <i>in FCL.820 Flight tests</i>  Even if there are no FCL requirements for cat 3 and cat 4 test flights, either Part FCL should mention them to avoid a lack of information or delete b) and c).  Refer to Part 21.</p>
response	<p><i>Noted</i></p> <p>Please note that paragraphs (b) and (c) have been deleted. The definition of</p>

flight test categories will be included only in Part-21.

comment

5329

comment by: CEV. France

CEV Comment n°2

CEV proposal for FCL 820:

FCL.820 Flight tests

(a) Holders of a pilot licence for aeroplanes or helicopters shall only undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS25, CS23, CS27 and CS29 or equivalent airworthiness codes, when they

(1) hold at least a CPL in the appropriate aircraft category;

**(2) hold , as Pilot in command, a flight test rating appropriated to the category of flights , or**

**(3) hold, as copilot at least a category 2 flight test rating when flying a CAT 1 flight or at least a type rating when flying a CAT 2 flight.**

(b) Category 1 flight tests include the following:

(1) initial flights of a new type of aircraft or of an aircraft of which flight or piloting

characteristics have been significantly modified;

(2) flights to investigate novel or unusual aircraft design features or techniques;

(3) flights to determine or expand the flight envelope;

(4) flights to determine the specified performances, flight characteristics and handling qualities in extreme conditions.

(c) Category 2 flight tests include the following:

(1) Flights done in the part of the flight envelope that has already been opened and comprising manoeuvres during which it is not envisaged to encounter flight or handling characteristics significantly different from those already known;

(2) Display flights and demonstration flights of a non type certificated aircraft;

(3) Flights conducted for the purpose of determining whether there is reasonable assurance that the aircraft and its parts and appliances are reliable and function properly.

**(4) training flights aimed at acquiring a flight test rating**

**(d) training course: Applicants for a flight test rating shall have completed a training course at an approved flight test training organisation. The training course shall be based on the training syllabi for the relevant flight test categories defined in Annex XX.**

**(e) Skill test. After the completion of the training, the applicant shall pass a skill test with an flight test examiner qualified for this purpose. The skill test shall contain a written and/or a verbal examination of theoretical knowledge and a test flight on the aircraft of the appropriate category.**

**(f) Validity. The flight test rating shall be valid for a period of 12 months.**

**(g) Revalidation. For a revalidation of a flight test rating, the applicant shall:**

**(1) have completed at least 25 flight test hours in the past 12 months;**  
**or**  
**(2) pass a proficiency check with a flight test examiner**  
**(3) For at least every third revalidation the applicant shall comply with the requirement in (2).**

**(h) Renewal: If the rating has lapsed, the applicant shall comply with the requirement in (g) (2)**

Explanation

(a)(2): the flight test rating must be appropriated ( relevant) to CAT1 or CAT2 flight test classification.

(a)(3): in some cases of CAT2 flight test, it can be accepted that copilot is only type rated.

(c)(4): flight test training must be considered as test flights.

(d): the detailed syllabus must be given. See CEV proposal in AMC to FCL 820.

(e),(f), (g), (h): added to comply with Directive 216 Annexe III para 1.c.2 and 1.e 2

response *Partially accepted*

Please see replies to comments 3994, 3997 and 4002 above.

comment 5737

comment by: UK CAA

**Paragraph:** FCL.820 Flight tests Conduct of flight tests, paragraph (a)(1)

**Page No:** 43

**Comment:** These proposals would restrict test pilots to the types or groups of aircraft on which they have completed training. This would seriously and adversely impact existing test pilots and flight test organisations, who would be potentially faced with having to train and/or recruit additional personnel for every type. It would also have a very detrimental effect on the overall flexibility of flight test employment as a direct consequence.

The significant additional costs and regulatory burden of the proposals should be justified.

response *Noted*

The paragraph refers to aircraft categories, not types or groups.

The expression 'category of aircraft' is defined in FCL.010. It differentiates aircraft, taking into account basic characteristics, into aeroplanes, helicopters, etc. It does not differentiate any further.

comment 5738

comment by: UK CAA

**Paragraph:** FCL.820 Flight tests Conduct of flight tests, paragraph (a)(2)

**Page No:** 43

**Comment:** The status of the "approved training organisation" needs to be clarified. Who will "approve" them and what will be the criteria they should use? The majority of the test pilot training establishments are run by the military and, until they add civil focus to their curriculum, the aims of these proposals need greater clarity.

**Justification:** Further guidance required.

response *Noted*

As for all pilot training organisations, training organisations for flight test

courses are approved by the competent authorities in accordance with the requirements established in Part-OR and Part-AR. Nothing prevents military schools from requiring an approval as a civil ATO and providing courses for civil pilots, as long as the requirements are met.

comment

5739

comment by: UK CAA

**Paragraph:** FCL.820 Flight tests

**Page No:** 43

**Comment:** These proposals do not cover the complete scope of flight testing activities that exists in EASA States today, since they are limited to certification exercises involving only CS 23, 25, 27 and 29 aircraft. Thus, they fail to address a large range of flight test activities:

- the testing of, for example, novel avionic systems or new engines on flying test beds.
- research flying; the type of work undertaken by bodies such as NLR, the Dutch National Aerospace Laboratory
- test flying activities on microlights, autogyros etc.

What is the intention for these other activities?

**Justification:** Clarification required.

response

Noted

Please note that some of the flights you mention, such as research flights and flights with microlights, are excluded from the scope of Community competence, since they involve aircraft mentioned in Annex II to the Basic Regulation. Therefore, they need to be regulated at national level. Please note also that at this stage, the Agency only intends to require a flight test rating for a restricted number of aeroplanes and helicopters. Please see also the reply to comment 304 above for more details.

comment

5741

comment by: UK CAA

**Paragraph:** FCL.820 Flight tests Conduct of flight tests – training course & AMC

**Page No:** 43

**Comment:** It is important for the continuation of the current flight test activities in Europe by both NAAs and industry that grandfather rights for existing test pilots are included in any EASA proposals that require pilots to have completed training. These grandfather rights should include provisions to allow NAAs to continue with their oversight system for existing pilots involved in flight test activity.

**Justification:** These proposals should only address the new generation of test pilots.

response

Noted

As regards the transition measures, please see the draft cover regulation published with this CRD. The Agency's intention is that no pilot loses his/her current privileges.

comment

5742

comment by: UK CAA

**Paragraph:** FCL.820 Flight tests Conduct of flight tests – training course &

	<p>AMC  <b>Page No:</b> 43 &amp; 393  <b>Comment:</b> If the intent is for EASA to require a test pilot 'qualification', is it also the intent that some form of currency training requirement or examination is also going to be required? If so, this has not been specified.  <b>Justification:</b> The intent of the proposals should be clarified.</p>
response	<p><i>Noted</i></p> <p>The intention of the Agency is not to limit the validity of the flight test rating. Once the rating is issued, it will not expire. Requirements for organisations employing flight test pilots will be put in place to ensure their recency and refresher training. Please see the CRD to NPA 2008-20.</p>
comment	<p>5751 <span style="float: right;">comment by: UK CAA</span></p> <p><b>Paragraph:</b> FCL.820 Flight tests Conduct of flight tests – training course &amp; AMC  <b>Page No:</b> 43 &amp; 393  <b>Comment:</b> The principle of establishing a standard for test pilot training and qualifications across Europe is supported. However the practical implications of such an initiative are wide ranging and need to be considered more fully.</p> <p>There are four principle military schools worldwide: ETPS, EPNER, USNTPS, (Paxtuxent River) and USAF TPS (Edwards - though this does not cover any rotorwing training). The syllabi of each of the 4 schools for their "Graduate" (10-12 month) course is almost entirely focussed on military evaluation, and the cost is so high (approx £½m to £1m for fixed wing)) that practically only government agencies can afford to fund candidates on them.</p> <p>An equivalent course, dedicated to civil certification techniques would be similarly prohibitively expensive, and be beyond the reach of most if not all of the candidates, to the extent that it would not be viable.</p> <p>As an alternative to these routes to approval, a formal training course to a syllabus specified by EASA may be the way ahead. The entry requirements might be determined as being a graduate of a suitable course (such as one of the established military schools) followed by a period of flight test experience. The final bench marking would need to be completion of an EASA Flight Test course and passing an assessment on completion.</p> <p><b>Justification:</b>  The practicalities and costs associated with complying with the proposed requirements would be prohibitive. An alternative means of achieving a similar objective need to be considered.</p>
response	<p><i>Noted</i></p> <p>The Agency acknowledges your point, but has difficulty in understanding what would be the advantage of the system you propose, which seems to imply a double course.</p> <p>As has already been said, nothing prevents a military school from requiring an approval as a civil ATO and providing courses for civil pilots, as long as the requirements are complied with.</p> <p>Furthermore, in addition to the transition measures, there is a possibility for receiving credit for military qualifications towards the issue of Part-FCL qualifications. Please see the draft cover regulation published with this CRD.</p>

comment	<p>6041 <span style="float: right;">comment by: <i>British Airways</i></span></p>
	<p>Following the NPA 2008-20 on Flight Testing additional categories of Flight Tests have been issued. FCL.820 should reflect the Flight crew licencing/experience requirements or just replace FCL.820 with a generic comment referring to NPA 2008-20.</p>
response	<p><i>Noted</i></p> <p>Paragraphs (b) and (c) have been deleted. The definition of flight test categories will be included only in Part-21. Please note also that a flight test rating is not necessary for all categories of test flights. But when that is the case, then this needs to be included in Part-FCL.</p>
comment	<p>6584 <span style="float: right;">comment by: <i>Michael GREINER</i></span></p> <p>Dear Sirs and Madams, For those, who do some flight testing on sailplanes and powered sailplanes once in a while: I would like to seek affirmation, that this paragraph approves flight testing of sailplanes and powered sailplanes with a LPL(S) or SPL alone.</p> <p>Kind regards, Michael Greiner</p>
response	<p><i>Noted</i></p> <p>The need to hold a flight test rating only applies to pilots of aeroplanes and helicopters. For further details please see the reply to comment 304 above.</p>
comment	<p>6585 <span style="float: right;">comment by: <i>Light Aircraft Association UK</i></span></p> <p>The LAA notes the requirement for a "CPL with a specific training" as far as it does not concern flights conducted after an overhaul or a maintenance operation; however, for light aircraft, particularly those falling into the proposed ELA categories, this would be an inflexible hurdle that could significantly curtail the activities of light aircraft manufacturers (a detailed submission has been given as part of NPA 2008-20).</p>
response	<p><i>Noted</i></p> <p>Maintenance check flights are not included in the definition of flight test categories in Part-21. Please note that the Agency has amended the text, and now only Part-21 includes a definition of flight test categories. For further details, please see the CRD to NPA 2008-20. As for which aircraft require a flight test rating, please see the reply to comment 304 above.</p>
comment	<p>6605 <span style="float: right;">comment by: <i>Michael GREINER</i></span></p> <p>Dear Sirs and Madams, I do not know how for example the Oskar Ursinus Vereinigung (OUV, German homebuilders association) handles the flight test topic of their CS 23 aircraft at the moment. Since these aircraft are homebuilt, they will probably be among the so called ANNEX II aircraft. But the pilots supposedly do not fall under ANNEX II. So they will have to buy the help of a very qualified test pilot for most of their flight testing?</p>

If this is not a too foolish remark: Sometimes it would reduce possible misunderstandings, if there would be an 'AND' or an 'OR' between enumerations like in FCL.820(a)

Kind regards,  
Michael Greiner

response *Noted*

As for your first comments, aircraft included in Annex II to the Basic Regulation are excluded from the scope of Community competence. Therefore, the requirements of Part-FCL will not apply to pilots flying those aircraft. National rules will apply in this case.

As for your second comment, the Agency takes note of it. An editorial revision of the text has been conducted to improve its clarity.

comment

7118

comment by: *CHC Europe EASA Ops Team - representing 550 pilots across Europe*

(c) - is Category 2 required for maintenance air tests? It should not be.  
Justification: If flight test rating is required for maintenance air tests this could cause problems for helicopter operators as all pilots would require this rating.

response *Noted*

Please see the reply to comment 4407 above.

comment

7810

comment by: *FAA*

**Comment:** The basic goal of this provision is commendable. The proposed flight test categories follow on the categories of flight test established by the Society of Experimental Test Pilots in their SOP 4-4. Further, improving the standardization and consistency in test pilot and flight test engineer qualifications could improve the quality of their findings.

However, the FAA has no parallel flight test training requirements. There is no data that indicates that the public safety is jeopardized without such flight test pilot training. Due to the high cost for the manufacturer to conduct flight testing, especially at the category 1 and 2 levels, the qualifications and training requirements have been self regulating. The FAA has found no evidence to mandate specific flight test qualification and training requirements.

The applicability of this requirement is not clearly defined. Article 2 of Commission regulation (EC) 1702/2003 is applicable to all aircraft regardless of the State of Design, assuming they are to be registered in a Member State. This includes products certificated by the FAA and validated by EASA. This raises several concerns.

The FAA would like to know if flight test crews of Non-EU manufacturers (that is, US manufacturers) will be expected to meet the EASA flight test pilot training requirements when gathering certification flight test data that will later be validated by EASA. If the answer is yes, this NPA will have a pronounced negative effect on U.S. manufacturers and the FAA.

The FAA would also like to know if this requirement would apply to FAA Flight

Test Pilots and FAA Flight Standards Board pilots [EASA JOEB equivalent]. This NPA will, again, have a pronounced negative effect if the answer is yes. It will impede the FAA certification and operational evaluation of aircraft produced in EU Member States.

Finally, the applicability of these flight test pilot training requirements to FAA Designated Engineer Representative (DER) Flight Test Pilots when conducting tests for an FAA STC on aircraft being modified in Europe is not defined. Since these activities involve an FAA finding made in Europe, they should not be affected. However, if the requirements are imposed for all flight test activity in Europe, this could adversely affect U.S. STC activity.

**Proposed change:** explicitly define the applicability of these requirements; clearly indicate that they apply only to EU Member States' test pilots. [Non-EU test pilots would be covered under Annex III per FAA proposal to Annex III.]

response

*Noted*

Thank you for your input.

Pilots will only have to comply with these requirements when they are conducting flight tests within the EASA system.

If the FAA is the primary certification authority, then FAA requirements for test pilots will apply.

Please see also the amended text of Annex III on the validation of pilot licences for specific tasks of limited duration, which clearly refers to manufacturer pilots, and flight tests.

comment

7815

comment by: FAA

**Comment:** The NPA makes no provisions for currently qualified flight test pilots who would likely not meet the training requirements listed in AMC to FCL.820. This could create a shortage of test pilots.

**Proposed change:** provide an explanatory note that defines how current flight test pilots will be grandfathered.

response

*Noted*

As regards the transition measures, please see the draft cover regulation published with this CRD. The Agency's intention is that no pilot loses his/her current privileges.

comment

7843

comment by: Europe Air Sports, VP

It is recommended to edit the requirement in (a) (1) to read as follows:  
hold at least a CPL or has completed more than 200 hours after the initial issue of the PPL A in the appropriate aircraft category;

Reason for that recommendation is that a test pilot who loses his class I medical to a class II, can continue to conduct those flights.

Second recommendation

(c) (3) needs further explanation to exclude flights after engine change or brake change or minor repairs or overhauls.

response

*Noted*

(a)(1)

Not accepted.

Please see the reply to comment 832 above.

The Agency has compared the existing national requirements and pre-entry requisites for the main existing European flight test schools, and has found that requiring a CPL is common practice. The Agency considers that the additional training and theoretical knowledge instruction required for the CPL will represent a safety advantage for the flight test pilots.

Furthermore, in the Agency's view your justification for the proposal, based on the medical certificate that needs to be held by the pilot, is not valid since taking into account the specific risks inherent to the flight test activity the medical fitness of the pilot assumes a particular importance. This is, in the Agency's view, an additional reason why a CPL should be required, so that the pilot holds a class 1 medical certificate.

(c)(3)

Noted.

Maintenance check flights are not included in the definition of flight test categories in Part-21. Please note that the Agency has amended the text, and now only Part-21 includes a definition of flight test categories. For further details, please see the CRD to NPA 2008-20.

comment

7914

comment by: RSA

#### **FCL.820 Flight Tests**

To avoid any future misunderstandings, and to ensure that the current privileges of pilots to test fly aeroplanes listed in Annex II, the RSA requests that the text of FCL.820 Flight Tests (a) be modified as follows:

*(a) Holders of a pilot licence for aeroplanes or helicopters shall only undertake category 1 or 2 flight tests for the certification of aircraft in accordance with article 2 of Commission Regulation No 1702/2003 to the standards of CS25, CS23, CS27 and CS29 or equivalent airworthiness codes, when they*

*(1) hold at least a CPL in the appropriate aircraft category;*

*(2) have completed a training course at an approved training organization appropriate to the intended aircraft and category of flights.*

*In addition pilots with a PPL(A), PPL(S), PPL(B), or PPL(H) may perform flight testing on aeroplanes listed in Annex II, as appropriate to the machine, provided they have a minimum of 250 hours total flying time, 150 hours as pilot in command and in the case of tail wheel undercarriages at least 30 hours in machines fitted with a tail wheel undercarriage. The performance of aerobatics will require the appropriate aerobatic rating and if the aeroplane is subject to a class or type rating the pilot is required to have the relevant class or type rating.*

response

**Not accepted**

Please note that flights involving aircraft mentioned in Annex II to the Basic Regulation are excluded from the scope of Community competence. Therefore, they need to be regulated at national level.

Please note also that at this stage, the Agency only intends to require a flight test rating for a restricted number of aeroplanes and helicopters. Please see the reply to comment 304 above for more details.

comment	8098	comment by: <i>Southern Cross International</i>
	<p>The categories of flight test and associated competence and experience of the flight crew should be based on a hazard analysis rather than a type of test. Mitigating factors, such as a specific additional training, previous experience, computer simulations, telemetry etc, should be taken into account to determine a risk level which in turn determines the category of flight test and associated pilot requirements. Guidance material or AMC must be provided to perform such a hazard analysis.</p>	
response	<p><i>Noted</i></p> <p>Thank you for your input. Please note that the categorisation of flight tests included in the Agency's proposal was the result of a careful analysis and comparison of existing national systems. Please note also that paragraphs (b) and (c) have been deleted. The definition of flight test categories will be included only in Part-21. For further details, please see the CRD to NPA 2008-20.</p>	
comment	8105	comment by: <i>Southern Cross International</i>
	<p>The competence and experience of pilots involved in categories 3 and 4 flight test should also be specified in FCL 1.820 and AMC to FCL 1.820. It is not logical to provide the requirements for one group of pilots (performing category 1 and 2 flight test) in Part-FCL and for the other group of pilots (performing category 3 and 4 flight test) in Part-21.</p>	
response	<p><i>Noted</i></p> <p>At this stage, the Agency only intends to require a flight test rating for certain aircraft and certain categories of flight test. It is possible that in the future the scope of the flight test rating will be extended to other aircraft and other categories of flight test, as a result of further work. Please see also the CRD for NPA 2008-20 in this respect.</p>	
comment	8111	comment by: <i>Southern Cross International</i>
	<p>The definition of category 1, 2, 3 and 4 flight test should be given in CS-Definitions rather than (category 1 and 2) in Part-FCL and (category 3 and 4) in Part-21.</p>	
response	<p><i>Noted</i></p> <p>CS-Definitions only apply to expressions used in CS – not to those used in the rule. Please note that paragraphs (b) and (c) have been deleted. The definition of flight test categories will be included only in Part-21. For further details, please see the CRD to NPA 2008-20.</p>	
comment	8134	comment by: <i>Southern Cross International</i>
	<p>In TOR (Terms of Reference) Nr. MDM/003 it says that the Problem/Statement of issue and justification of this NPA stems from the wish from the industry to harmonise Flight Test Crew Qualifications in Europe. The NPA is expected to contribute to the free circulation of persons (Flight Test Crews) and services (Flight Test Activities) and will also improve safety in particular by requiring</p>	

the development of the applicants of a Flight Test Operations Manual approved by the authority.

There is no mention in the TOR of a need to restore an unsafe situation with regards to current pilot qualifications for test flights. Therefore the NPA shall contain rules and guidelines that will result in equal pilot qualification for test flights as currently in use.

The proposed text in the current NPA is far more restrictive than current practice. This means that pilots shall need specific (additional) training to be qualified for future flight testing. The requirements of this training, as laid down in the AMC, are such that it is expected that the cost involved are significant and will create an undue burden on the industry. It will not be possible for all organisations, currently involved in flight test, to bear these cost. Therefore the economical impact of this NPA is considered to be too large, especially taking into account the non-safety related objective of TOR MDM/003.

*Southern Cross International is of the opinion that the requirements shall be relaxed to maintain the current standard of test pilot qualifications and by that reducing the economical impact.*

*If this would not be acceptable to the Agency, at least an alternative means of compliance to Category 1 and 2 test pilot qualifications shall be possible.*

*Also, as a transition measure, grandfather rights must be established, e.g. on the basis of a conversion report developed by a national authority, stating training, experience and skills of pilots seeking a flight test qualification (ref NPA 2008-17a, Explanatory Notes 45 and 48) to allow them to continue their present scope of activities.*

response *Noted*

As regards the transition measures, please see the draft cover regulation published with this CRD. The Agency's intention is that no pilot loses his/her current privileges.

comment 8307

comment by: SNPAC

**It is a matter of fact that Article 32 of the Convention on International Civil Aviation states very clearly:**

"The pilot of every aircraft and the other members of the operating crew of every aircraft engaged in international navigation shall be provided with certificates of competency and licenses issued or rendered valid by the State in which the aircraft is registered."

The Flight Test Engineer's function onboard an Airbus test aircraft, whether seated in the cockpit or at a specific operational station, can be compared directly to the function of a licensed Flight Engineer. The Flight Test Installation onboard a test aircraft is considered as an essential aircraft system for operation and monitoring all other aircraft systems and has therefore to be operated under the supervision of an operating crewmember.

That is the reason why, especially for the CS 25 certification process, where airplanes have to fly at any point around the world to accomplish the flight test

program, Article 32 of the Convention on International Civil Aviation fully applies.

We strongly suggest that a Flight Test Engineer licence be created following the model of the ICAO Flight Engineer licence, as described in Annex 1 of the Convention.

A licence is mandatory for anyone having an operational task throughout the world of civil aviation (private pilots, commercial pilots, airline transport pilots, glider pilots, free balloon pilots, flight navigators, flight engineers, aircraft maintenance agents, air traffic controllers, ...) and it would be very difficult to explain that we expect less from professional engineers operating as crew members onboard aircraft in Flight Test, and crossing the boundaries of international airspace.

response *Noted*

Thank you for your input.

However, please note that the Basic Regulation does not establish the legal basis for a flight test engineer licence and therefore, as was already mentioned in the explanatory note to NPA 2008-20, the Implementing Rules cannot require/create such a licence.

## **Appendix A - Attachments**

 [Kommentierung zum Flugtechniker \(BfPP\).pdf](#)

Attachment #4 to comment [#6786](#)

 [easa\\_fcl ENTWURF.pdf](#)

Attachment #1 to comment [#1137](#)

 [EASA CLASS 2 IR PROPOSAL.pdf](#)

Attachment #2 to comment [#117](#)

 [Comments on EASA proposals.pdf](#)

Attachment #3 to comment [#434](#)

 [AMC No 1 to FCL Firefighting Theor Instr.pdf](#)

Attachment #4 to comment [#538](#)

 [draf firefighting rate NPA 2008\\_17b.pdf](#)

Attachment #5 to comment [#538](#)

 [AerobaticRatingUKcomments.pdf](#)

Attachment #6 to comment [#425](#)

19-Feb-09 Ulster Gliding Club		D LAFI(A) etc costs for sailplane towing rating instruction					
	per hour or factor	travel time (hours)	1 hr	2 hrs	2 hrs	2.5 hrs	3 hrs
number of lessons			2	4	5	6	6
charge-flying etc time	£25		£25	£50	£50	£63	£75
travel-hourly	£25	3,5	£88	£88	£88	£88	£88
Mileage - 156 mls @ £.6			£94	£94	£94	£94	£94
sub-total			£206	£231	£231	£244	£256
VAT @ 17.5			£36	£40	£40	£43	£45
Sub-total			£242	£272	£272	£286	£301
Weather factor (.2)	0,2		£48	£54	£54	£57	£60
Total			£291	£326	£326	£343	£361
10 lessons			£1,453	See D16	<b>£652</b>	£669	£687
10 lessons (2+4+4)			<b>£942</b>				
10 lessons (4+6)			£669				
no. of lessons			2	4	5	6	6
charge-flying etc time	£30		£30	£60	£60	£75	£90
travel (3.5 hours)	£30	3,5	£105	£105	£105	£105	£105
Mileage - 156 mls @ £.6			£94	£94	£94	£94	£94
sub-total			£229	£259	£259	£274	£289
VAT @ 17.5			£40	£45	£45	£48	£51
Sub-total			£269	£304	£304	£321	£339
Weather factor (.2)	0,2		£54	£61	£61	£64	£68
Total			£322	£365	£365	£386	£407
10 lessons			£1,612	see D29	£729	£751	£772
10 lessons (2+4+4)			£1,052				
10 lessons (4+6)			£751				
no. of lessons			2	4	5	6	6
charge-flying etc time	35		£35	£70	£70	£88	£88
travel-hourly	35	3,5	£123	£123	£123	£123	£123
Mileage - 156 mls @ £1			£94	£94	£94	£94	£94
sub-total			£251	£286	£286	£304	£304
VAT @ 17.5			£44	£50	£50	£53	£53
Sub-total			£295	£336	£336	£357	£357
Weather factor (.2)	0,2		£59	£67	£67	£71	£71
Total			£354	£403	£403	£428	£428
10 lessons			£1,770	see D42	<b>£807</b>	£831	£831
10 lessons (2+4+4)			<b>£1,161</b>				
10 lessons (4+6)			£831				

nb VAT is taken as 17.5%  
since it will revert to that rate  
before NPA 17 takes effect

Attachment #7 to comment [#3972](#)



Attachment #8 to comment [#3595](#)



[index.html\\_lang=de&download=M3wBPgDB\\_8ull6Du36WcnojN14in3qSbnpWVZGifnU6p1rJgsYfhyt3NhqbdqIV+baqwKbXrZ6lhuDZz8mMps2go6fo&.pdf](index.html_lang=de&download=M3wBPgDB_8ull6Du36WcnojN14in3qSbnpWVZGifnU6p1rJgsYfhyt3NhqbdqIV+baqwKbXrZ6lhuDZz8mMps2go6fo&.pdf)

Attachment #9 to comment [#376](#)



[index.html\\_lang=de&download=M3wBPgDB\\_8ull6Du36WcnojN14in3qSbnpWVZGielE6p1rJgsYfhyt3NhqbdqIV+baqwKbXrZ6lhuDZz8mMps2go6fo&.pdf](index.html_lang=de&download=M3wBPgDB_8ull6Du36WcnojN14in3qSbnpWVZGielE6p1rJgsYfhyt3NhqbdqIV+baqwKbXrZ6lhuDZz8mMps2go6fo&.pdf)

Attachment #10 to comment [#376](#)



[EASA letter from Cluster.pdf](#)

Attachment #11 to comment [#691](#)